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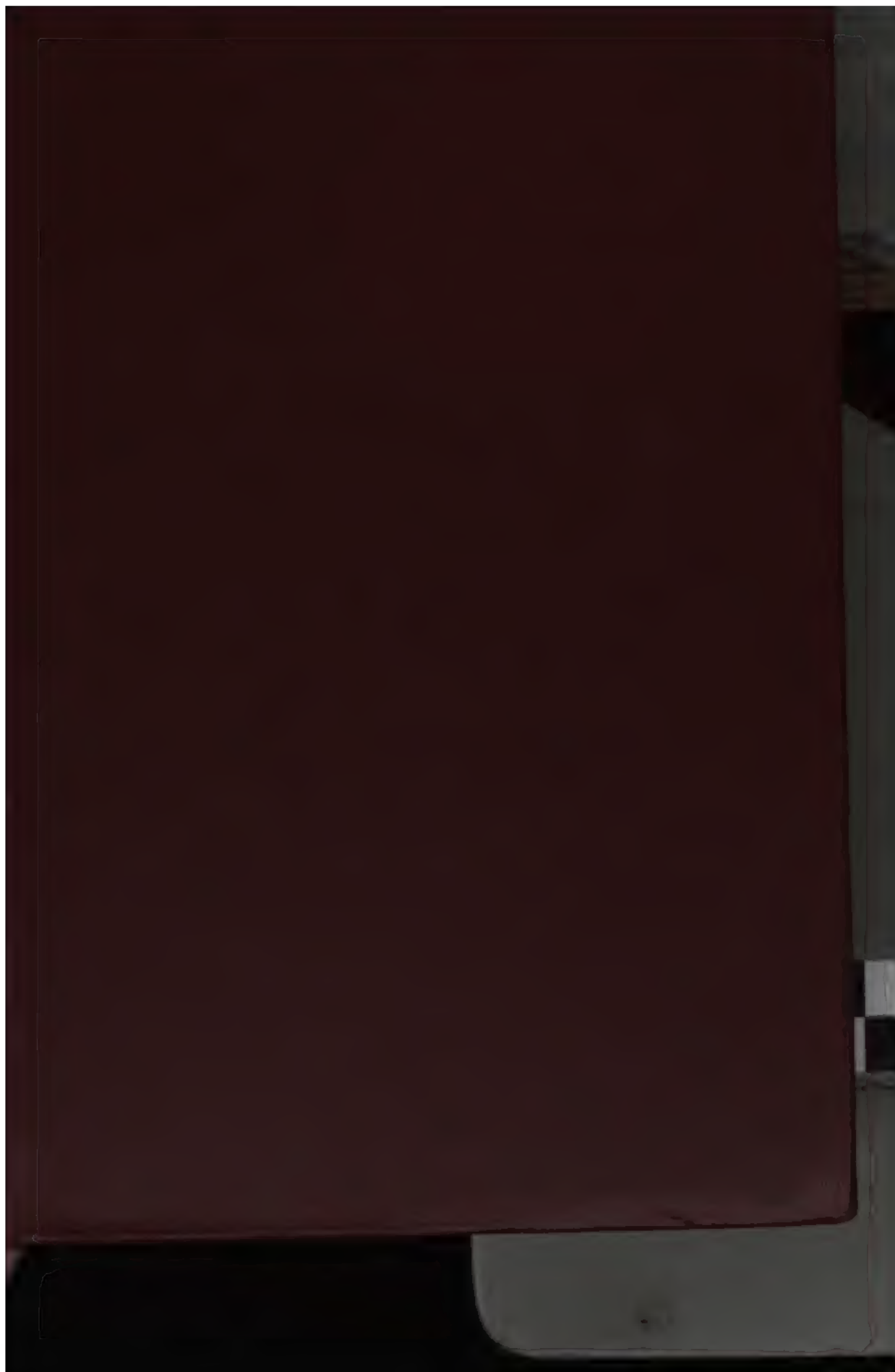
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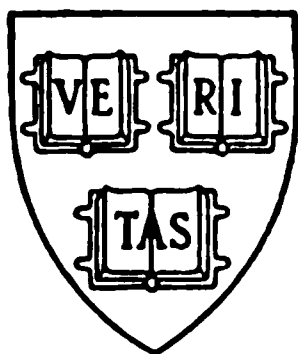
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4











*Mr. L. Gancey*

LIFE AND TIMES

OF

JOHN LOWNDES YANCEY

THE REMARKABLE PLACER OF THE YANCEY HOUSE  
AT THE 1851 EXHIBITION AND THE YANCEY  
AT THE 1851 EXHIBITION

BY

JOHN WITHERSPOON DUBOIS

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# THE LIFE AND TIMES

OF

# William Lowndes Yancey

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A HISTORY OF POLITICAL PARTIES IN THE UNITED STATES,  
FROM 1834 TO 1864; ESPECIALLY AS TO THE ORIGIN  
OF THE CONFEDERATE STATES.

BY

JOHN WITHERSPOON DUBOSE,

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After the convention of 1787, these differences culminated, in 1861, in blood, but not in treason.—*MS. History by General R. E. Lee.*

A people which takes no pride in the noble achievements of remote ancestry will never achieve anything worthy to be remembered with pride by remote descendants.—*Macaulay.*

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## AUTHOR'S MEMORANDUM.

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As biography of a determinate individual actor, written from sources contemporary with the living character described, must be allowed as the basis of the most valuable history, the public has the right to know the strength of the claims of this volume to fidelity to its subject. In the early years of my manhood, which were the closing years of Mr. Yancey's life, I saw him often, heard him speak, and had favorable opportunities for observing both his public and private life. In a period of five years occupied, in a desultory way, in the collection of data and the preparation of this narrative of his life, I have been the grateful beneficiary of courtesies and attentions from most of the eminent men of Alabama and some noble ladies who knew him best and who survive him. His personal and political foes and rivals have been as frank and ready to place me in possession of facts and opinions concerning him as his personal and political friends and supporters. I was favored by the personal friendship, and confidence, in this undertaking, of his brother, the late Hon. B. C. Yancey, who was in constant correspondence with me up to the time of his recent demise, exchanging visits, in person, with me.

Completed truth must measure to the leader of the South in the most interesting and decisive period of American history, that austere justice yet unpronounced — yet a blank, most confusing, in the on-rushing tide of American life. Whether the admitted difficulties which now, since his time, beset Republican simplicity and equities of government are of normal growth, coming out from the original American idea, or whether they are of the character of revolution, as he taught, obstructive, even fatal, to the original American idea, is the vital question which, with or without the story of his life, must command of the Saxon lineage in America unabated and unabating inquiry.

Sincere as has been my endeavor to state the truth, as yet so incomplete, relating to the political influence of the man who, without the imprimatur of official station to recommend him to public confidence, expressed the solemn conviction of the people in his conduct, I venture to hope I have avoided that exaggeration so destructive to such a narrative.

But the biographer of Yancey is met, at the outset, with another and a peculiar difficulty. Would he safely accept the exaltation of the orator's virtues, so enthusiastically proffered by those who knew him best and sympathized with his political views and objects? If nay, what must be done with the criticisms of his foes, in which so little is found to disparage the reports of his friends and followers?

*Birmingham, 1892.*



## DATA USED.

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Files of newspapers edited by W. L. Yancey; his private papers and letters;

Files of *Mobile Register* and *Mobile Advertiser* for sixty years;

Official records of Alabama;

Official records of the United States, including all Departments of the government from the earliest period, and of the Confederate States;

The *Magazine of American History* and a long catalogue of *Magazines and Reviews*, with newspapers from all sections of the United States.

Of early authorities in American history, I have read the writings of Washington, Hamilton, Jefferson, Madison, etc.; the speeches and papers of Calhoun, Clay, Webster and John Quincy Adams; many biographies of American leaders and orators in all periods;

Of later historical works: Stephens, Pickett, Hodgson, Benton, Perry, Cooke, Phelan, McCarthy, Fiske, Hannis Taylor, Jefferson Davis, Brewer, Garrett, etc. I am particularly indebted to memoranda left by Hon. R. Barnwell Rhett, deceased, chairman of the Committee on Foreign Relations, Provisional Congress of the Confederate States.

The *Reminiscences* of W. R. Smith, *Smith's Debates* and the private letters of that distinguished gentleman to me, and the letters of Hon. H. W. Hilliard to me, have specially assisted me.

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Now, a living force that brings to itself all the resources of imagination, all the inspirations of feeling, all that is influential in body, in voice, in eye, in gesture, in posture, in the whole animated man, is in strict analogy with the divine arrangement; and there is no misconception more utterly untrue and fatal than this: that oratory is an artificial thing which deals with baubles and trifles for the sake of making bubbles of pleasure for transient effect on mercurial audiences.

—*Henry Ward Beecher.*

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ONE comfort is, that Great Men, taken up in any way, are profitable company. We cannot look, however imperfectly, upon a great man, without gaining something by him. He is the living light fountain, which it is good and pleasant to be near. The light which enlightens, which has enlightened the darkness of the world; and this not as a kindled lamp only, but rather as a natural luminary by the gift of Heaven; a flowing light fountain, as I say, of native original insight, of manhood and heroic nobleness. \* \* On any terms whatever, you will not regret to wander in such neighborhood for awhile.

—*Carlyle.*

## **INTRODUCTION.**

### **The First Territories.**

There was room in British America for two nations defined in their limits by the laws of climate and productions, which have ever determined the institutions of progressive peoples and endowed them with national characteristics. It is memorable that in the two climatic divisions of British America, respectively, two intensely rival political parties of England planted each a prosperous colony. The men of the older Cavalier colony soon cried out, "These Puritans are as bad as Papists and there are too many of them in Virginia;" no pioneers of the wilderness ever accepted "the goods the gods gave" with sterner content than the Puritan settlers of New England and no more unrelaxing social polity was ever established than the Puritanical regulations set up by them over themselves. But, the surprise of the epoch came. The modern law of community interest revealed itself. The colonies brought with them the same spirit of English liberty; they had a common grievance against the mother country; all prospered in the new productive agent, African labor — some by the rich commerce engaged in importing it, others by the bountiful crops it produced. Concert of social action was the logical succession of mutuality of benefits flowing from a recognized source.

Thus instead of two nations the British American colonies ultimately framed a written compact as between thirteen free and independent States, in co-operation for specific objects. The principle sought to be established was the perpetuity of a federal union and social progress; and this principle was

“based upon and was intended to secure abstract right in the individual and a democratic cast in the whole polity.”\*

It is just eulogium, therefore, of the beautiful and complex American federal system, that it was, in its origin, a convenience to pre-existing, healthful and sovereign States. When in the divine economy the wants of man first required a social polity—a code to condemn theft, slander, usury, uncleanness, to ordain marriage and to recognize manhood as the source of political life — “every man by his own camp, and every man by his own standard throughout their hosts” — this first recorded social polity appeared as a national organism founded upon representative parts. Confessing affinity with the mind of nature to be the test of human endeavor, our federal system is vindicated in the prototype of government fixed by nature. The most intimate co-operation of atoms, productive of greatest results, proves the indistructibility of atoms. Hence, it may not be exaggeration to claim that the highest refinement of social polity which the experience of intellect has evolved, our federal system — maintaining the validity of its constituents and definiteness in their spheres — has its prototype in the eternal methods of organized nature.

To William Lowndes Yancey, more than any other individual, is due the responsibility of organizing Southern political opinion to undertake, in 1861, the erection of a reformed federal compact. An earnest man, deep-believing, he lead to action a whole people not less free from superstition than the Jews who followed Bar Cochba to the fall of Bethar, nor less controlled by reason than the Athenians who lost Chæronea.

The history of the wonderful extension of the empire of the Union, correlated to the decadence of the original theory of federal compact, demands, at the outset of this narrative, a fair statement, however brief.

By treaty, Great Britain obtained from France the east bank of the Mississippi. Between the French territory, Canada, and the Spanish territory, the Floridas, the Atlantic and the Mississippi, lay the thirteen British American colonies who declared themselves free and independent States. The royal charter of Virginia fixed the boundaries of that colony, to the

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\* Lieber's *Civil Liberty and Self-government*, p. 214.

south one hundred miles from the mouth of the river James, to the north one hundred miles from the starting point, and west, between southern and northern limits, to the "South Sea"—the extent of British territory. For more than an hundred years, the colonies had made unsuccessful efforts to form a confederacy, without any pre-conceived purpose of independence. The Continental Congress, in its origin, was a mere conference to combine the colonies upon certain measures of persuasion of the mother country. War broke out. Virginia insisted upon a Declaration of Independence. The Congress at length appointed two committees, one to prepare a Declaration, and the other to prepare Articles of Confederation and Perpetual Union of the States. The former document was debated several days and, shorn of much of its original emphasis as presented by its author, was adopted, late in the day of July 4, 1776. All delegates present signed it, save Mr. Dickinson. The Articles of Confederation were debated two years. Dr. Witherspoon said the Union should be federal, each State preserving the weight of its own interest, thus securing civic freedom and personal liberty at the fountain head. John Adams contended for an incorporating union, where "a majority of the stock invested should control." Dr. Franklin followed Mr. Adams' view, and George Mason concurred with Dr. Witherspoon. While the debate progressed, Virginia opened a land office. So anxious was that State to foster her western interests, that her Legislature, in 1780, instructed her delegates in the Congress to vote for a treaty with Spain for the free navigation of the Mississippi to its mouth and, the better to secure this treaty, to vote to surrender South Carolina and Georgia to Great Britain as a condition of immediate recognition of the independence of the United States. Maryland, who owned no wild land, refused to accede to the Confederation, unless States, who were claimants of such property, should consent to convert it into common estate. Virginia protested. New Jersey and Delaware demanded the surrender by each State of its unoccupied lands, held beyond reasonable and prescribed limits. Having taken this position in Congress, Maryland reinforced it by an act of her General Assembly, May 21, 1779, warning her deputies not to accede to the Articles, unless these wild lands, claimed by the several



States, under more or less uncertain titles, but “wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent *governments* in such manner and at such times as the wisdom of that assembly shall hereafter direct.”

The territorial acquisition and the territorial policy of administration of the United States originated in this resolution of instruction from Maryland. First, it involved the formation of the Union itself, and thus elevated the question of territorial acquisition to a position of supreme importance. Next, it advanced the comprehensive proposition, that the acquired territory should not remain the property of Congress, longer than it could be organized into “free and independent” States; Congress controlling the process of State organization only in the particulars of “manner” and “time.” Regardless of the dates of the acts of the different Legislatures, assenting to the cession, the deeds themselves bear remarkable internal evidence of a common purpose. New York executed the first deed, bearing date March 1, 1781, relinquishing “to and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation \* \* to be granted, disposed of, and appropriated in such manner only as the Congress of the United, or Confederated States shall order and direct.” In this first deed it is plain that a common estate had been created, the beneficiaries named and the trustee appointed. March 1, 1784, the deed of Virginia was executed. The document gave notice of certain exemptions from the general terms of cession, such as bounties or reservations, but, as to the remainder, it “shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation or Federal Alliance of said States, Virginia inclusive.” The other deeds bore date as follows: Massachusetts, April 19, 1785; Connecticut, September 14, 1786; South Carolina, August 9, 1787; North Carolina, February 25, 1790; Georgia, April 25, 1802 — each and all, in essentially the same legal phraseology, creating a trust fund, naming the beneficiaries, appointing the trustee, and declaring the purpose of authority conferred.

The act of cession of Virginia forbid domestic slavery in the ceded land; the acts of North Carolina and Georgia prohibited the interference of Congress with domestic slavery in the ceded land. But, these States joined the others in creating that "common fund" whose just administration could not fail to be inconsistent with exactions of individual donors. The duty of Congress had been happily expressed by Maryland at the outset, to parcel out the public land, as soon as possible, into "free, convenient, and independent governments"—co-equal States, in their relations to a common federal system.

In quick succession Mr. Jefferson appeared in three decisive acts of political leadership. First, as author of the Declaration of Independence, founded on the American idea of local self government first set forth in the resolutions of Patrick Henry, before the Virginia House of Burgesses, May, 1765; next, as author of the Ordinance of 1784; and lastly, in order, as founder of the States Rights party, in 1798. There was a remarkable Americanism throughout all this history, with its source in the last of the five resolutions of Mr. Henry, "that every attempt to vest such power (of rule) in any person or persons whatsoever, other than the General Assembly aforesaid (Virginia), has a manifest tendency to destroy British as well as American freedom."

On the very day on which Virginia executed her deed of cession, a committee, previously appointed by Congress, reported a plan of government for the ceded lands. The committee was composed of Jefferson, Chase, of Maryland, and Howell, of Rhode Island. Limits were defined to the following Territories to be governed by the rules prescribed: Sylvania, Michagania, Cheronesus, Assenisipia, Metropotamia, Illinoia, Saratoga, Washington, and Pelisipia. Each should have delegates on the floors of Congress, with the right to debate but not to vote. Whenever any one should attain to twenty thousand inhabitants, on petition, Congress should appoint time and place to call a convention to frame a permanent constitution for admission of the Territory as a State to the Union "on an equal footing with said original States. \* That all the preceding articles shall be formed into a charter of compact \* and shall stand as fundamental conditions between the thirteen original States and those newly described,

unalterable, but by the consent of the United States in Congress assembled and the particular State within which such alteration is proposed to be made." Thus distinctly was the fundamental theory of State Rights promulgated as the basis of the national organization in its proposed enlargement. The propositions in this "charter of compact" between the original and new States were five in number, the substance of the first four being, that the compact should be perpetual; that the people of the new States in their persons and property should be subject to the same constitutional authority of the Confederation "in which the original States shall be subject;" that the new States should pay their part of the federal revenues, and that the new governments should be republican in form, tolerating no hereditary titles. The "charter of compact" in the first four propositions satisfied all the States in Congress. There was a fifth and concluding proposition: "That after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States," etc.

There was no doubt of the hand of Mr. Jefferson in the anti-slavery proposition. He had resigned his seat in Congress immediately after the publication of the Declaration of Independence to enter the Legislature of Virginia to urge certain reforms, among them the prohibition of African importation into that State. He was a disciple of the most philosophic of all modern writers on Republican theories, Montesquieu, who had said: "Where excess of heat enervates the body and renders men slothful and dispirited, that nothing but chastisement can oblige them to perform any laborious duty," slavery was not averse to natural reason, but "as all men are born free and equal, slavery must be accounted unnatural, though in some countries it be founded on natural reason." The question of slavery in the Territories had this beginning. The relation of the Ordinance to States inchoate, in all else save the slavery restriction, was expository of the federal system. The slavery restriction, more administrative than doctrinal, was of first impression, so far as it involved Mr. Jefferson's political faith, and was repudiated by him at its first application under the more perfect Union, as will presently appear.

Mr. Speight of North Carolina, objected to the anti-slavery

proposition, number five, and the Ordinance went into effect without it, as "a temporary government of the Northwestern Territory." There had been little or no effect from this enactment when, on July 13, 1787, Congress, sitting at New York, and the Constitutional Convention sitting at Philadelphia, passed an ordinance, drawn by Nathan Dane, of Massachusetts, to supersede the former. No votes were cast against Mr. Dane's bill, and it became known as the Ordinance of 1787. Mr. Jefferson was then absent as minister to France. The Ordinance of 1787 revived the original theory of States Rights in the exact phraseology of Mr. Jefferson's bill; it provided additional securities for liberty of religion, for public education, for protection of the rights and property of the Indians, and for the equalization of the burdens of taxation. "It has ever since constituted the model, in most respects, of all our territorial government." Mr. Madison, being a member of both the Congress and the Constitutional Convention, passing to and fro between the two, along with others who were members of both, declared the Ordinance of 1787 to be without the "least color" of Constitutional authority. The unanimity of the vote for it is readily explained. The proposition five of Mr. Jefferson's bill had been rejected. It was universally known that slavery had failed north of the Potomac, and that the navigating States were all preparing to abolish it. There was no reason to suppose the institution would meet a better reception north of the Ohio, the only region touched by the Ordinance, than it had received north of the Potomac. The agricultural States were content.

The eighth law on the statute book of the First Congress, of the Constitution, is the act re-affirming the Ordinance of 1787. A few years later the settlers of the Indiana Territory, then including Illinois, rejoicing in the fertility of their lands, sent a petition to Congress, endorsed by Governor William Henry Harrison, praying the suspension of the anti-slavery provision of the Ordinance, for ten years, that negro slaves might be introduced to clear the forests, produce crops, and promote, in their toil, the general prosperity of the settlements, while the white males fought the Indians. John Randolph, the most devoted of the disciples of Mr. Jefferson's States Rights theory, from a special committee of the House, reported

its unanimous rejection of the petition. The report of Mr. Randolph assured the petitioners of their error of judgment: the convenience expected from introducing slaves would be over weighed by the trouble of abandoning slavery. Yet, for ten successive years, the same petition reappeared to meet the same fate.

The American political theory had now reached the crucial test of permanency—ability to maintain a political party to defend it. Mr. Jefferson having become its exponent in the origin of the movement for Independence, came forward to found the party required to perpetuate it. The Alien and Sedition laws of John Adams' administration presented the opportunity. In order to establish a party to overthrow the administration or consolidation party, Mr. Jefferson, in conference with a few of his supporters, laid down certain fundamental propositions. First among these was, that the Union of States was made more perfect than the Confederation of States, inasmuch as the Confederation was a league between the governments of the several States, but the Union was a compact entered into between the people of the several States in their sovereign capacities. The Articles of Confederation had been prepared by the general Congress and ratified by the State Legislatures, but the Constitution had been prepared by a special general convention and ratified by the people of the several States in their separate conventions; that the federal government and the State government derived their power from the same source, the people, and were co-equal in that respect; that the federal government was not created by the American people in the aggregate, but by the several States, and in none of its departments did it represent the American people in the aggregate, but in all of its departments represented the several States of America in compact. Farther, that the government of the Constitution was a government in lieu of a single legislative body or council, as by the Articles of Confederation; that the government of the Constitution consisted of three equal or co-ordinate departments, Legislative, Executive, and Judicial; that the co-ordinate theory of the departments did not permit one to impair the influence of the other in the operation of the government; that the

Constitutional adjustment of the parts of the government must remain intact to preserve the essence of popular liberty.

The courts had sustained the Alien and Sedition laws, and gentlemen of the first position were in prison as offenders. Mr. Jefferson, in order to organize a Republican party, wrote a series of expository resolutions of great length, and procured them to be offered in the Legislature of Kentucky, defining the reserved rights of the States, and the delegated authority of the Federal government. He prevailed with Mr. Madison, who had been a follower of Hamilton, to enter the Virginia Legislature and to defend the new party there. It was necessary to begin the expounding of the new party principles in the State Legislatures, because of the great majority in Congress in favor of the administration. The Jefferson followers in the lower House, at this crisis, were known as "the old thirteen" for many years, denoting their numbers.

The Kentucky resolutions of 1798, and the Virginia resolutions of 1799, and Mr. Madison's report of 1800, were the basis of the new party. The first named were the gist of all. The Kentucky resolutions declared, that to submit to the usurpations of the administration and Congress "would be to surrender the form of government which we have chosen, and live under one which derives its powers from its own will and not from authority." In such a crisis of public faith, the resolutions proceeded to declare, that "each State should take measures of its own for providing that neither these acts, nor any others of the Federal government, not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories." The Kentucky resolutions, in their proposed remedy of State interposition or nullification, are discovered to be in full accord with that provision of the Ordinance of 1784, which guaranteed to all the new States a "Charter of Compact," "unalterable but by the joint consent of the United States in Congress assembled," as one party thereto, "and of the particular State" as the other party.

Growth in use is the law of sound principles in morals or politics. Mr. Jefferson's party found ready for it the problem of control of fresh territorial acquisitions. As the old Articles of Confederation had not contemplated a common estate of the United States, the new Constitution had made no provision for

conquests or acquisitions of territory or its government in any specific way. But growth in empire became an inevitable policy, even to the States Rights party. The various circumstances which compelled the acquisition of Louisiana Territory present themselves for necessary consideration.

Immediately after peace with the mother country, Congress proceeded to negotiate treaties of commerce with western European States. The navigating States of the Union were naturally most earnest in demanding the early perfection of the treaties. Spain hesitated because of certain secret articles, which she had just discovered, in the treaty of recognition, with the mother country, supposed to give Great Britain advantages over her in the Floridas. She resolved to force the new Republic from the stipulations with Great Britain on this point. She therefore refused to enter into commercial relations. Meantime she held closed against the trade of the western settlements, the lower Mississippi river. Gardoqui, the Spanish Minister, remained a year at the American Congress, awaiting its decision. John Jay, the American Minister of Foreign Affairs, could not relieve the situation in face of the treaty with Great Britain. Finally it became known that Mr. Jay had yielded to the entreaties and menaces of the East and taken sides against the West. In order to perfect the treaty with Spain, in the interest of the Atlantic navigating States, he advised that the navigation of the lower Mississippi be left at the pleasure of Spain for the period of a quarter of a century. The western settlements protested vehemently, they would not submit. News of their protest, and the procrastination of Mr. Jay, or rather of Congress, reached New England. Town meetings expressed the public indignation in that quarter. Resolutions were passed calling for a dissolution of Congress, and the resumption by the States of their original sovereignty. About this time a citizen of North Carolina, one Amis, regardless of the delays of diplomacy, and thoughtful of sectional rights in his own interest only, undertook to pass a flat boat cargo of flour and hides down the Mississippi to New Orleans. He was hailed by the Spanish garrison when opposite Natchez, brought to shore, his boat and cargo confiscated and he sent afoot through the forests toward his home. From settlement to settlement, and hut to hut, he spread the



news of the closure of the river. From the Tennessee to the lakes the settlers were aroused. Volunteers offered to march on New Orleans and take the city. Threats were freely made of organizing a republic between the Alleghanies and the Mississippi. Time passed on, the Constitution was adopted, the government of the Union went into operation, and in Washington's administration a treaty was established with Spain, securing to the people of the United States the right to navigate the Mississippi, with a stipulation that they should have the right to deposit their goods on the Island of Orleans, or elsewhere, awaiting facilities for shipment to sea or up the river. Spain, meantime, transferred all the Louisiana territory, including the Island of Orleans to Napoleon. By edict of the Governor of the Island, Americans were refused the commercial privileges stipulated for in the Spanish treaty. The whole western settlements rose in indignation. Mr. Ross introduced in the Senate, in February, 1803, resolutions authorizing the President to call out not exceeding fifty thousand militia from the States of South Carolina, Georgia, Tennessee, Kentucky and Ohio, and the Mississippi Territory, to protect the rights of Americans on the western waters. Mr. Breckenridge moved to amend the resolution so as to require the Governors of all the States to arm, equip and hold in readiness eighty thousand militia for the same purpose. Mr. DeWitt Clinton, opposing the resolution and amendment, said: "It has struck me with not a little astonishment that on the agitation of every great political question, we should be menaced with this great evil—the severance of the States. Last session when a bill repealing a judiciary act was under consideration, we were told that the Eastern States would withdraw themselves from the Union should it obtain; and we are now informed that if we do not accede to the proposition before us the Western States will hoist the standard of revolt, and dismember the Union."

The President, Mr. Jefferson, was greatly alarmed. Would the First Consul of the French carry his extraordinary good sense into the perplexity of the American situation to its relief? "The people are unapprised that Louisiana is a speck in our horizon about to burst into a tornado," wrote the President to Dr. Priestly. Louisiana must be obtained by the United States.



“Whether we remain in one Confederacy (continued the letter to Priestly) or form into Atlantic and Mississippi Confederacies, I believe to be not very important to the happiness of either party.” The problem was to prevent England from taking advantage of the discontent, of the western settlements to propose their protection by holding open the mouth of the Mississippi to their trade, while France should be dispossessed of Louisiana by their help. Would Messrs. Ross, Morris and their sympathizers, in premature zeal, open the way to England? Would the First Consul soon go to war with England, and, needing money, sell Louisiana? When Mr. Livingston approached M. Talleyrand, the French diplomatist denied that France owned Louisiana. Livingston told him he had seen a copy of the treaty with Spain. At that time England had a fleet of twenty men-of-war in the Gulf waiting to find out whether France or Spain owned the Territory to determine her course.

The treaty of purchase was made, and Spain brought up her right of redemption under her conditions of sale to France. The President declined to observe the Spanish claim. But the Federalists (nationalists) were bitterly opposed to the purchase, and consented in the Senate to ratify and in the House to appropriate the funds for the execution of the treaty only for fear of English interference and western disloyalty. Napoleon had already begun to fear he had made a bad bargain, and the President dreaded to hear news from France. The President warned his supporters that “the less said about any constitutional difficulty, the better.” He intended to ask Congress to seek to make valid the treaty by proposing an amendment to the Constitution. He would not consent to reduce the security of republican institutions by making the Constitution blank paper. He would ask for every enlargement of power from the source of power, rather than assume to make it boundless by construction. If there were any bounds to the government, they could be no other than the definitions of the powers given to it by the written compact of the States.

The treaty of purchase contained a stipulation remarkable for its variance with the anti-slavery provisions of the Ordinances of 1784 and 1787. It was the third clause and was the

key to the act of Napoleon in parting with his land. The war in which he then engaged England would enable the United States to take possession, but it was advisable to provide for continued possession as against European sovereigns. The third clause of the treaty, therefore, was suggested by him for the express purpose of his own protection. It would never cease to be of importance to France. It provided, that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible according to the principles of the Federal Constitution, to the enjoyments of all the rights, advantages and immunities of citizens of the United States; and, in the mean time, they shall be protected in the free enjoyment of their liberty, property, and the religion they profess." The ratified treaty, under the provision of the Constitution relating to treaties, became "the supreme law of the land." Slavery had been established in the Louisiana territory by the special licenses of the king of Spain. The Spanish law had not been revoked by Napoleon in the short time of his possession. Slaves, therefore, were "property" wherever the municipal law of Spain, accepted by France, was stipulated to be preserved in the treaty of acquisition by the United States. So much for the guardianship of Napoleon's stipulation over the liberty, religion and property of the people of the relinquished territory in their territorial condition. The guardianship went farther. It provided that they should be admitted as States of the Union in full enjoyment of the equality secured by the organic law to all the States.

We are now ready to consider the earliest of those startling paradoxes which mark the history of the relation of the federal government to the Louisiana purchase. In 1804 and 1805, Congress forbid the importation of Africans, into Louisiana and Mississippi Territories, who had arrived since 1798 or who might thereafter arrive. The act was a severe blow to the commerce of New England in Africans and which was, as had been believed, protected by that provision of the Constitution which inhibited the interference of Congress with the trade in "any of the States now existing" "prior to the year one thousand eight hundred and eight," to the fullest extent possible up to the limit of time specified. No commerce

was of so great promise as the trade in Africans with the lower Mississippi valley, now to be dominated by the American civilization. But Congress, pausing not to reflect whether the destruction of inter-state commerce in slave property, more than other property, fell within its delegated authority, proceeded to cut off from New England its sole bond of sympathy with the Gulf of Mexico trade. Africans, under the law, could neither be landed through the mouth of the Mississippi, or be landed at Norfolk to make their way by the western waters to the plantations of the great valley, or be landed at Charleston to be marched over the Indian traders' trails to Alabama. Apparently, Congress had made sure of a cluster of free States on the Gulf, the commercial rivals of the States about Massachusetts bay.

The trans-Mississippi Territory west of the mouth of the Missouri, was organized into two territorial governments—Orleans, to the southward, and Louisiana to the northward. Mr. Jefferson found much difficulty in finding a Governor for Orleans. The salary there was five thousand dollars, but for Louisiana, with St. Louis as the capital, it was only two thousand. He urged Mr. Monroe, then in Europe, to make choice, saying it was said to be healthful at New Orleans if one takes up his abode there as late as November. In St. Louis the society, both French and American, was excellent, and the opportunity for investment very inviting. In a few years, 1810, the state of Louisiana applied for admission to the Union. The feeling in New England became extremely bitter against the enlargement of the Union on the Gulf of Mexico. The great orator of Massachusetts, Josiah Quincy, speaking against the bill to admit Louisiana, from his place in the House, said :

Mr. Speaker: I address you, sir, with an anxiety and distress of mind, with me, wholly unprecedented. The friends of this bill seem to consider it as the exercise of the common power; an ordinary affair; a municipal regulation which they expect to see pass without other questions than those concerning details. But, sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country; and that in no great length of time may produce it.

\* \* *I am compelled to declare that, if this bill passes, the bonds of this Union are, virtually, dissolved; that the States which compose it are*

*free from their moral obligation, and that as it will be the right of all, so will it be the duty of some to prepare definitely for a separation : amicably if they can, violently if they must?* (Here Mr. Poindexter, delegate for the Mississippi Territory, called the orator to order. On a vote of the House he was declared not out of order and proceeded.) \* \* \*

"Sir, the question (of admission) concerns the proposition of power reserved by this Constitution to every State in the Union. \* The great objection is to the principle of the bill. If this principle be admitted, the whole space of Louisiana, greater, it is said, than the entire extent of the old United States, will be a mighty theater in which this government assumes the right of exercising this unparalleled power. Nor will it stop until the very name and nature of the old partners be overwhelmed by the new comers into the Confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. \* This Constitution never was and never can be strained to stretch over all the wilderness of the west without essentially affecting both the rights and conveniences of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and Red River country. And whenever it is attempted to be stretched over them it will rend asunder. I have done with this part of my subject. It rests upon this fundamental principle, that the proposition of political power subject only to the internal modifications permitted by the Constitution is unalienable, essential, intangible right. When it is touched, the fabric is annihilated; for on the preservation of these propositions depends our rights and liberties."

Hardly had the armies of the war of 1812 disbanded when Congress became the arena of fresh conflict between the sections, intensified by the rapidity of material development which blessed each in the return of peace. It became evident that the security of the lower Mississippi valley, and the peace of all the Southern Atlantic States required the United States to come in possession of Florida. Mr. Monroe's administration, through Secretary of State, John Quincy Adams, perfected a treaty with Spain, based on the surrender of Texas, originally a part of the Louisiana Territory, to be annexed to Mexico, then the possession of Spain, for Florida. The extravagance, on the part of the United States, of exchanging Texas for Florida is explained in the following extract from a private letter written by the President to General Andrew Jackson, then pursuing the avocation of a farmer at the "Hermitage," and bearing date May 22, 1820. The President wrote :

"Having long known the repugnance with which the eastern portion of our Union, or rather some of those who have

enjoyed its confidence (for I do not think the people themselves have any interest or wish of that kind), have seen its aggrandizement to the west and south, I have been decidedly of the opinion that we ought to be content with Florida for the present, and until public opinion in that quarter shall be reconciled to any further changes. I mention these circumstances to show you that our difficulties are not with Spain alone, but are like-wise internal, proceeding from various causes, which certain men are prompt to seize and turn to their own ambitious views." \*

The humanitarian plea against Southern slavery did not appear in the President's statement of the argument for the sale of Texas. The sale was negotiated by Mr. Adams, Secretary of State, with the most corrupt and oppressive of commercial nations, itself perpetuating slavery in its worst form, for the sole purpose of preserving the territorial balance of the sections, or rather for the purpose of reducing the Gulf slave territory. Texas, having been owned for sixteen years by the United States, was sold, along with the political rights of the people then inhabiting the soil, regardless of the treaty with Napoleon under which it was acquired, to come under the laws and dominion of a decaying monarchy, the act standing as a recognized feature of government policy of concession to New England jealousy. While the treaty for the release of Texas approached conclusion, on December 8, 1818, Mr. Holmes, of Massachusetts, presented the memorial of the State of Maine for admission to the Union, on equal footing with the original States, together with a copy of the Constitution of the State. At the same time Mr. Scott, delegate from Missouri, presented a memorial from the people of that Territory, praying authority to frame a State Constitution. Later in the month, Mr. Talmadge, of New York, moved a resolution that slavery be forever prohibited in all the Louisiana purchase. The House passed the bill to admit Maine, and when it came up in the Senate, Mr. Barbour of Virginia, moved to amend it by attaching a proviso for the admission of Missouri. The amendment was suggested in view of the recent agitation of the Texas cession, and the general question of political balance

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\* Benton's Thirty Years, Vol. 1. page 15, vouches for the existence of this letter among General Jackson's papers.

of the sections. Mr. Roberts, of Pennsylvania, moved to add to the Missouri section, that introduction of more slaves into the contemplated State should be "absolutely and irrevocably prohibited." On January 18, Senator Thomas, of Illinois, introduced a resolution to prohibit slavery in all the Louisiana purchase west and north of the contemplated State of Missouri. Both houses discussed the various anti-slavery propositions. In the midst of this debate, Mr. Storrs, of New York, in the House, proposed the thirty-eighth parallel of north latitude as the dividing line of slave from free territory; Mr. Barbour, of Virginia, in the Senate, proposed the fortieth. Mr. Taylor, of New York, next proposed to prohibit slavery entirely in Missouri. Finally, Congress adjourned without action on the question of organizing the State of Missouri.

The Sixteenth Congress convened, and a bill to authorize Missouri to frame a State Constitution, came up in the House. The bill passed, amended to prohibit slavery. It was sent to the Senate. There, on February 17, 1820, Mr. Thomas' amendment, known as the first Missouri "compromise," passed, restricting slavery north of  $36^{\circ} 30'$  north latitude, but tolerating it in Missouri. Mr. Trimble, of Kentucky, endeavored to alter the existing boundaries of Missouri, to give the new State a part of the rich valley of the Des Moines, but failed. The Senate vote on the Thomas line,  $36^{\circ} 30'$ , stood thirty-four yeas, ten nays, all of the latter from the South, except the two Senators from Indiana. The House refused the Senate or Thomas amendment, and a committee of conference, after a bitter debate, was ordered. The society of Washington shared the excitement of Congress. Nightly in the parlors of William H. Crawford, the Georgian Secretary of the Treasury, a memorable colloquial discussion took place. There John Randolph, of Roanoke; Louis McLane, of Delaware; John Holmes, of Massachusetts; Nathaniel Macon, of North Carolina, and William Lowndes, of South Carolina, met. Crawford insisted the South should abandon the Union or abolish slavery. Holmes deprecated any advice looking toward a permanent discord in the Union; excitement existed at the North, but it would pass off; the North would be true to the Constitution. "The North abide by the Constitution, Mr. Holmes?" (cried Randolph). Ah, sir, your people want

that great empire beyond the Mississippi. It is a grand country, sir, and they are this day legislating to settle it for themselves. Your people are restless, ambitious and too religious, Mr. Holmes. They are hiding behind their crusade against slavery! I hate Clay. I have not spoken to the fellow in six years, but I will speak to him to-morrow. I will tell him he must go home to his people (Clay was Speaker of the House), and I will go to mine, and we will tell them the North and South cannot live together, and must part company." And the Virginian, with his long riding whip in hand, strode out into the darkness to meet Juba and his horses. "Is Mr. Randolph in earnest?" demanded Holmes. "Terribly in earnest," replied Crawford.

The bill passed the House—the Thomas amendment included—and the next day would go to the Senate. It was a conference bill. Randolph, true to his word, approaching the Speaker, privately told him he desired to move a reconsideration of the vote. It was agreed that the motion to reconsider should be made the following morning, and the House adjourned. At an early hour the next morning, Randolph heard at his apartments that it had been arranged to set up the Senate clock, often out of order, and so to have that body in session before the House met, ready to rush through the conference bill before his motion to reconsider could be heard and acted on. Ordering his horses, he rode to the Capitol, found the vice-President, conducted him to a committee room, locked the door and explained; that good gentleman earnestly declared the trick must fail. Hurrying to the House to find the clerk reading the journal, he made his motion, seconded by Mr. Archer, of Virginia. The clerk, Mr. Gilliard, hastened from the House to the Senate, and from the Senate back to the House more than once with the enrolled bill, as debate proceeded.\* "His bread (wrote Randolph) depended on his heels. I pity him." Randolph's speech was one of his greatest. "Every eye (he wrote to Dr. Brockenbrough) was riveted upon me, save one, and that was affectedly and seduously turned away. \* \* The Speaker left the chair, paced the lobby, resumed, read MSS., newspapers, printed documents lying on the table (*i. e.*, he affected to read)

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\* Garland's Randolph.



beckoned the attendants, took snuff, looked at his shoe buckles, at his ruffles, towards the other side of the House — everywhere but at me. \* ‘Fooled to the top of my bent,’ I checked in mid volley and said: ‘Sir, the rules of this House require, and properly require, every member when he speaks to address himself respectfully to Mr. Speaker.’”\* The motion to reconsider was lost.

While the debates in Congress proceeded, the Legislatures of New York, Ohio, Vermont, and other free States, passed resolutions remonstrating with Senators and Representatives against any act which would admit another slave State. Mr. John Sergeant, of Pennsylvania, in the House, delivered an elaborate argument contending that, while the original States made their own Constitutions, all new States were the creations of the federal Constitution, to be interpreted by the Congress, in the present instance. The North, regardless of party, and the South were arrayed against each other. There were plain evidences of the struggle for power, and plain premonitions of the side in the contest where power would ultimately reside. Kentucky sent a memorial, drawn by Mr. Clay; protesting against the authority of Congress to assume revisory powers over States inchoate, as to their domestic institutions patterned after the original States.

The settlement of the Missouri question marked a radical change in the political life of Mr. Clay. He was one of the most ardent, as he was the most brilliant, of the young leaders who, up to this time, adhered to the Jeffersonian doctrines. Speaking in the House, on January 8, 1813, he said: “In 1801 he (Jefferson) snatched from the rude hand of usurpation the violated Constitution of his country, and that is his crime. He preserved that instrument in form, and substance, and spirit, a precious inheritance, for generations to come, and for this he never can be forgiven.” Mr. Clay had opposed every measure of the consolidation policy, and supported all measures favorable to State Rights. He had been elevated to the Speakership by a Republican House, in the administration of a Republican President. He resisted the Thomas amendment with great ardor. On February 9, 1820, the House being in Committee of the Whole, Mr. Baldwin in the chair,

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\* Sparks' Reminiscences: Randolph's Letters to Dr. Brockenbrough.



Mr. Speaker Clay addressed the committee near four hours against the expediency and right of the proposed restrictions :

“I wish to know (he said) if certain doctrines of an alarming character — which if persevered in, no man can tell where they will end — with respect to a restriction on the admission into the Union of States, west of the Mississippi, are to be sustained on this floor. I wish to know what is the character of the conditions which Congress has a right to annex to the admission of new States; whether in fact in admitting a new State, there is to be a partition of its sovereignty. I wish to know the extent of the principles which gentlemen mean to defend in this respect; and particularly the extent to which they mean to carry those principles in relation to the country west of the Mississippi. On this subject I contend there should be a serious pause. The question should be maturely weighed before this new mode of acquiring power is resorted to. \* If, beyond the mountains, Congress can exert the power of imposing restrictions on new States, can they not also on this side of them? If there they can impose hard conditions, conditions that strike vitally at the independence and power of the States, can they not also here! If the States of the West are to be subject to the restrictions of Congress, while the Atlantic States are to be free from them, proclaim the distinction at once; announce your privileges and immunities; let us have a clear and distinct understanding of what we are to expect.”\*

Mr. Clay's oratory availed nothing. After the act establishing the geographical division of the Union, a second “compromise” became necessary to admit the State under the “great national policy” of corrupting the federal nature of the Union. He was the author of the second “compromise.” His conduct in the crisis marked the altered direction of his political life. Free soil interests had gained the ascendant in the first “compromise,” which he strove valiantly to resist. There was nothing left to slavery, save Arkansas and Florida; a mighty empire of unsurveyed extent, and incalculable capacity for development had been pledged to free soil. A new policy of government became inevitable. A new leader was needed for it. A more fascinating promise of fame in political leadership past times had not held out than the direction of the free soil policies of the United States. The greatness of the nation presented itself to his vision; his high ambition impelled him to seize his opportunity.

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\* For reports of this speech, and opinions of that paper approving it, and condemning the restriction on slavery as adverse to Jefferson's policy of emancipation, see *National Intelligencer*, January and February, 1820.

At the next session, the Constitution of Missouri, authorized by the "compromise" enacting the line 36° 30', came up for acceptance by Congress. It was found to contain a provision prohibiting free persons of color from settling in the State. Members of the House opposed to slavery, and, therefore, to the observance of the "compromise," objected to the discriminating provision. True, it could not be condemned as anti-Republican by the test of Republicanism found in the original States. At that moment, Massachusetts' maintained on her statute book a law providing:

"That no person being an African or Negro (other than a subject of the Emperor of Morocco or a citizen of some one of the United States, to be evidenced by a certificate from the Secretary of State of which he shall be a citizen,) shall tarry within this Commonwealth for a longer time than two months, and, in case that the said African or Negro (after notice) shall not depart, he shall be committed to the house of correction, to be kept at hard labor until the next session of the peace; and if, upon trial, it shall appear that the said person has continued in the Commonwealth, he or she shall be whipped ten stripes and ordered to depart out of the Commonwealth within ten days; and, if he or she shall not so depart, the same process shall be had and punishment shall be inflicted, and so *toties quoties*."

Mr. Clay pleaded with the House long not to repudiate the "compromise" of the year before, but in vain. Mr. Lowndes, from the committee, reported a resolution to admit Missouri "on an equal footing with the original States in all respects whatever." This resolution was rejected. Mr. Clay, who had resigned the Speakership, in order that he might remain for some weeks at home at the opening of the session, had now taken his seat on the floor. Seeing the rejection of the State, in great anxiety, he moved a committee of thirteen to consider the situation. As chairman of the committee, he reported, recommending the admission of Missouri "on an equal footing with the original States." The report was rejected. Three days later the vote was reconsidered, the report came up and was the second time rejected; and thus the "compromise" 36° 30' was repudiated.

Missouri had constituted herself a State by permission of Congress. Could she ever be less than a State? If refused admission to the Union, who would degrade her Governor, who unseat her Judiciary, who disperse her Legislature? There was grave suggestion of a trans-Mississippi Republic, in alli-

ance with Mexico or with Great Britain. February 22, 1821, Mr. Clay moved a "grand committee" — a joint committee of both Houses—the House of Representatives to choose twenty-three members. The Senate concurred. February 26, Mr. Clay reported from the "grand committee" a resolution to the House. Randolph opposed it; Macon, in the Senate, opposed it. It passed the House, 86 to 82, and passed the Senate, 28 to 14. This was the second Missouri "compromise," passed a year after the "36° 30' line" had become law. The resolution required the Legislature of Missouri to pledge itself "by solemn public act" not to enforce a provision of the State Constitution forbidding free negroes to enter the State—that legislators should repudiate their oaths.

Mr. Clay's apprehension that Congress might "partition the sovereignty" of a State was realized. His own work had established "a great national policy." Congress was now endowed with power to construct political communities, for incorporation in the Union, instead of authorizing "States" which Congress had power to "admit." So Missouri entered.

Mr. Clay at once became the leader of a new party. The party was composed, in all sections of the Union, of that large and powerful class of population, men of substance as well as enterprise, cautious men of trade, men by nature circumspect rather than adventurous, men found in every generation since William the Conqueror, who naturally espouse the side of the king, who by instinct or environment are Tories. He lost no time in organizing the party he was expected to lead. He became a candidate for the Presidency, in 1824, the first election after the last Missouri "compromise." In 1828 he assisted the candidature of Mr. Adams, of whose cabinet he was the head. In 1832, 1840 and 1844 he was a candidate for the same high office. But Mr. Clay had merely despaired of maintaining certain principles, to which he was devoted. He was not a revolutionist. He became a loose constructionist of the Constitution, where he had been a strict constructionist, for the purpose of promoting the greatest good of the greatest number, as the people seemed to have decreed. He more than once laughed heartily over the popular delusion, in what was generally called his last "compromise." No American with so limited faith in the people was ever so great a popular leader.

The course of the President, Mr. Monroe, and his cabinet, was feeble, in the progress of the Missouri settlement. He wrote a letter to Judge Roane, of Virginia, expressing grave doubts of the propriety of his signing the bill enacting the line  $36^{\circ} 30'$ ; he even drew the argument of a veto message on the bill. Finally he demanded the written counsel of Messrs. Calhoun, Crawford and Wirt, the Southern members of his cabinet, and approved it by their advice.\*

Mr. Jefferson had long since discovered the irreconcilable propositions of a federal compact, between the people of sovereign States, and power vested in their federal government to determine the domestic institutions and the nature of the local government of the States of the Union. Therefore he repudiated the anti-slavery principle laid down in the ordinance of 1784, drawn by himself, when the position of the free States in respect to Missouri was developed. He lost none of his repugnance to slavery, but his appreciation of the true Republican doctrine had been enlarged. He was in the full vigor of his mental powers, when, during the debate over the measure of slavery restriction, he wrote from Monticello many letters denouncing it. To LaFayette, in France, he wrote his fears in touching words. His letters on the subject were<sup>a</sup> numerous and anxious, covering the period of the debate, addressed to prominent men of both sections and both parties. To Senator William Pinkney, of Maryland, he wrote, the bill to enact the line  $36^{\circ} 30'$  was "a mere party trick," of the Hamilton men who, "defeated in their scheme of obtaining power by rallying partisans to the principles of monarchism, have changed their tack and thrown out another tub to the whale." To John Adams, he wrote: "The banks, bankrupt law, manufacturers, Spanish treaty, are nothing. These are occurrences which like waves in a storm, will pass under the ship. But the Missouri question is a breaker on which we lose the Missouri country by revolt and, what more, God only knows. From the battle of Bunker's Hill to the treaty of Paris we have never had so ominous a question." To William Short, he wrote: "The old schism of Federal and Republican threatened nothing, because it existed in every State and united them together by fraternism of party. But the

\* Congressional Globe App. Vol. 29, p. 139.

coincidence of a marked principle, moral and political, with a geographical line, once conceived would never more, I fear, be obliterated from the mind: that it would be recurring on every occasion and renewing irritations, until it would kindle such mutual and mortal hatred as to render separation preferable to eternal discord." To John Holmes, he wrote: "I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away against an abstract principle (emancipation) more likely to be effected by union than scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world." Three years later he reviewed the attitude of parties towards fundamental principles in a long letter to LaFayette. "On the eclipse of federalism (he wrote) with us, although not its extinction, *its leaders* got up the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties which might insure them the next President. \* \* The line of division now, is the preservation of State rights as reserved in the Constitution, or by strained constructions of that instrument, to merge all into a consolidated government."

It will appear that the National party, of Hamilton, passed down the years to become the Federal party, of John Adams, the Whig party, of Henry Clay, and the Republican party, of William H. Seward, in orderly succession. It lead the way in all its stages of existence and varying names to acts of consolidation and to enforced emancipation of slaves. In its last form, its leaders declared the Declaration of Independence and not the Constitution to be the controlling law of the Union: that the Declaration was the interpretation of the Constitution, binding the consciences of all citizens: that States could confer on their organism, or Union, no grant of power inconsistent with the "illuminated initial letter of our history"—the Declaration. The party claim, that the Declaration,

and not the Constitution, was the charter of compact between the States, avoided the closing clause of the document, which declared the States, in all respects, sovereign, having "full power to levy war (each for itself) conclude peace (each for itself) contract alliances, establish commerce," etc. The party construed the Declaration to be superior to all national acts in the dogma laid down in the opening clauses, that, "all men are created equal." It becomes important to the fame of Mr. Jefferson to preserve his own interpretation of this much abused phraseology, so far as it relates to the African race. That the words quoted were borrowed from Montesquieu, where they were used only to emphasize the proposition, that domestic slavery is contrary to "natural reason," is evident. That Mr. Jefferson consistently, on all occasions, denied the equality of the African race, is unequivocally shown in his own words. Permitting him to hold to his view of the inequality of the Caucasian and African, there is no inconsistency between the apothegm quoted from the opening clause of the Declaration, as he wrote it, and the fundamental principles set forth in his correspondence. When Congress deliberated on the Articles of Confederation he urged that the importation of Africans be at once discontinued, on the broad ground, that at some future time their emancipation would become necessary as an economy, and when that time arrived their deportation would be required for the reason, that *the inferior race and the superior could not live together in a free country*. South Carolina and Georgia, supported by the New England States, in the Congress, objected; the first, because of the profits of slave labor and the last, because of the profits of commerce in slaves. (Jefferson's Correspondence, Vol. I, Autobiographical Section) So was his plan lost.

Under date, Monticello, August 30, 1803, President Jefferson wrote to Levi Lincoln, suggesting an amendment to the federal Constitution conferring citizenship upon the people of Louisiana Territory, and prospectively upon the people of the Floridas with this "special exception," that the "*white inhabitants* shall be citizens." (Jefferson's Correspondence, Vol. IV, pp. 1 and 2.)

No State was ever admitted to the Union under the act enacting the line 36° 30,' with the consent of the party which

compelled the measure. At a later time the Supreme Court held the act and all others of the same class preceding it to be unconstitutional. In order to invalidate this decree, known as the Dred Scott decision, Congress passed an act, approved by President Lincoln, April, 1862, prohibiting slavery, except for crime, in any of the common estate.\*

The Southern States, in 1861, believing the federal theory had been lost, and the government had degenerated to a government of the numerical majority, resolved, under the appeals of Mr. Yancey, as well as other leaders, to attempt to restore the Constitutional system to its original beneficence in a re-organized Union of homogeneous States. In those States, a surviving devotion to the principles of the Constitution has been the silent force calling forth talent, moral and physical energies, whose action commands the confidence of millions of citizens in the country at large, and calls forth the admiration of enlightened people in all lands.

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\* Some opinions of Mr. Jefferson on the subject of emancipation are worthy of revival. He wrote, in 1807, while President, that the acquisition of Louisiana Territory would permit the diffusion of slaves and hasten thereby their emancipation. His plan of effecting emancipation, early matured, was deportation. He would fix a date after which all born should be free. When these reached years of self-support he would deport them by the authority of the Government, but not to Africa. San Domingo then desired them. Thus those left in slavery, falling off in course of nature, both the institution of slavery and the presence of the unasimilating race would be disposed of. He considered deportation of the whole race of all ages impracticable.

# LIFE OF YANCEY.

## **CHAPTER I.**

### A Young Editor and Orator.

1814-1838.

Four brothers, Charles, William, Joel and Robert Yancey, Welchmen, came with their families to Virginia, in 1642, with Governor Sir William Berkeley. The Welch names of the British American settlements hold places of honor in the history of American free institutions far above the ratio of Welch colonists. The Welch ancestor of Thomas Jefferson sat in the first Legislative Assembly of the New World, convened in the chancel of the Church at Jamestown, July 30, 1619. The Welch ancestor of Chief Justice John Marshall was the progenitor of a numerous family of ardent American patriots.

The Yanceys opened plantations in the James river region, and prospered. Indentured servants were imported from Europe, the African slave trade flourished, and in the Virginia planter was laid the foundation of the American revolution. Governor Berkeley's seat, "Green Spring," near Jamestown, was the abode of limitless hospitality. "His plate, wines, servants, carriages, seventy horses, and fifteen hundred apple trees, besides peaches, pears, quinces, and mellicottons," were sources of enjoyment to the planters for thirty-five years. "Charles, of Buckingham," was one of the Yanceys of note



in the early times. He owned a great landed estate, served thirty years in public life, and at last suffered defeat by a young man, in revenge of the denial to him of the hand of his daughter. Lewis Davis Yancey, a son of one of the four pioneers, toward the middle of the seventeenth century, settled upon a landed estate in Culpepper county, which his descendants have since continuously held. Of those of the patronymic who fought for Independence, was Captain Joel Yancey, who fell at Cowpens. The sword and epaulettes he wore on that field are now in the possession of one of his descendants. In succeeding generations the name has maintained high social position and political importance. Major General Robert Emmet Rodes, son of Martha Yancey, of Virginia, greatly distinguished himself in the military service of the Confederate States. From Lewis Davis Yancey, of Culpepper, was descended Major James Yancey, of the Virginia Continental army. It is probable he was of General Greene's Southern forces. Certain it is, that at the close of the war, he settled in the western part of South Carolina, Laurens District, it is believed, and entered upon the practice of the law. He married a lady of Charleston, of excellent family, Miss Cudworth. To them was born a son, Benjamin Cudworth, in 1783. Some authorities allege the birth of the child took place while his parents were on a visit to Charleston, others while they visited Baltimore, and yet others while they visited Boston.\* The lad Benjamin was sent to the academy of classics, in Laurens, taught by Dr. Pyles. His bold spirit and handsome person excited the fondest expectations of his parents and, at a proper age, he was placed as midshipman on Captain Truxtun's flag ship. The threat of a naval war with France promised early service. The duties of the midshipman, then, were at the mast head. Volunteer preceptors for bright and willing lads were found, however, among the higher officers on board. The literary culture received by Midshipman Yancey in the several years of his service at sea is a subject of conjecture. In the shock of two severe naval engagements it is known that he acquitted

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\* A desk containing a family record which had been prepared by W. L. Yancey was taken from his residence at Montgomery by United States soldiers in 1865, and not returned. The genealogical description I have made here is the result of an extensive correspondence with the Yancey family in several States. Their accounts differ only in immaterial matters.

himself with honor. February 9, 1799, the American ship *Constellation*, 38 guns, Captain Truxtun, encountered off the Island of Nevis the French man-of-war *L'Insurgente*, 40 guns, and after a battle the French surrendered. February 1, 1800, the *Constellation* attacked the French man-of-war *LaVengeance*, 54 guns, off Gaudaloupe. The battle began at eight in the evening and lasted until one the next morning. The Frenchman escaped in a sinking condition with great loss of life, while Truxtun was unable to pursue on account of the loss of his main mast and the storm that prevailed. A misunderstanding arose between Captain Truxtun and the Secretary of the Navy and the name of that officer was dropped summarily from the navy list. Midshipman Yancey resigned. He entered a student in the law office of his father's friend, Robert Goodloe Harper, who, having married Miss Carroll, of Carrollton, had removed to Baltimore, from South Carolina, on account of her religion, of the Catholic faith. The statute of South Carolina then required three years study, one of which must be in the State, to qualify for admission to the practice. Dividing his time of preparation between Mr. Harper's office and the office of a leading advocate in the western part of South Carolina, Mr. Saxon, Mr. Yancey studied with diligence. John C. Calhoun, George Bowie and Benjamin C. Yancey, young practitioners, occupied the same little brick office at Abbeville, from which they were wont to sally forth in the evening to join in the exercise of foot racing among themselves. They divided among themselves the bulk of the practice of a wide surrounding country. Calhoun and Yancey entered the Legislature as members of the Union party, meaning the party supporting the embargo of Mr. Jefferson's administration, against which New England threatened to revolt. Lowndes, Calhoun, Cheves, Yancey and Wilds composed the famous South Carolina "galaxy." Yancey's standing at the bar was second to none. His industry, courage and eloquence on the floor of the Legislature elicited from that body the extraordinary compliment, for so young a man, of assigning him to the head of the Judiciary Committee and in placing his name in close contest for a Circuit Judgeship, a life position on good salary, sought by the first advocates. Indeed, contemporaries, many years

later, were wont to declare that in knowledge of the law and in eloquence, Yancey was superior to any of his rivals, but that not unfrequently his influence as an advocate was marred by a display of hasty temper. His manly bearing comported with the strength of his intellect. His person was singularly handsome—dark blue eyes, fair skin, brown hair, a medium stature and graceful action, to which a countenance expressing great animation added its attractiveness. Mr. Daniel E. Huger, later a Judge and United States Senator, invited Mr. Yancey to form a co-partnership in the law with him at Charleston, where the fees of the profession were more inviting than in the interior. The offer was accepted.

December 8, 1808, Benjamin Cudworth Yancey was married to Miss Caroline, daughter of Colonel William Bird, of "The Aviary," Warren county, Georgia. This estate received its name from General McComb, commander of the United States army, who, from his headquarters at Augusta, made frequent visits there to enjoy the society of the accomplished daughters, pretty birds of the forest, as he averred. Colonel Bird was a native of the famous entailed estate, "Birdsborough," Pennsylvania, noted as a refuge of persecuted patriots in the revolution. Three of his sisters married signers of the Declaration of Independence—James Wilson and George Ross, of Pennsylvania, and George Read, of Delaware. Colonel Bird emigrated first to Alexandria, Virginia, and there married a noted belle of that aristocratic community, a daughter of Colonel Dalton, who became the mistress of "The Aviary," and the mother of all his children. He came to Georgia in 1796. A younger sister of Mrs. Yancey, Miss Louisa, married Captain Robert Cunningham, of "Rosemont," Laurens District, South Carolina, a gentleman of great wealth, liberality and high culture, and an officer in the war of 1812. To Mrs. Cunningham is due the honor of having projected the Mount Vernon Association to rescue the tomb and home of Washington from the hands of speculators. At her suggestion her invalid but brilliant daughter, Miss Anne Pamela, wrote, for the newspapers, a series of letters signed, "Southern Matron," urging upon the women of the United States the duty of founding the Association. When, at length, the organization

followed these appeals, Miss Anne Pamela Cunningham was made the first Regent.

Mr. Yancey set out from Charleston for the Courts of the interior in August, 1817, traveling in his own carriage, and accompanied by his wife and two infant sons, William Lowndes, aged three years, and Benjamin Cudworth, aged a few months. They were detained in the Edisto river swamp, several days, by high water. Mrs. Yancey and her children were on the way to visit "Rosemont." Important causes awaited him. He was leading counsel, of nine, retained by J. D. Mitchusson, to defend him on trial for murder. He was leading counsel for Duncan, plaintiff in the suit against the occupants of the Jews Land. The latter case he had recently gained on argument before the Supreme Court, at Washington, on the points there presented. "He prepared his cases with great care, (writes Judge O'Neal, author of the Bench and Bar, of South Carolina) he was anxious and even timid about his preparation, but when in court he seemed as if he never knew the word fear. \* \* Cases which were considered almost desperate, were confided to his care, and he was often successful where failure was anticipated."

The malaria of the Edisto prostrated Mr. Yancey. At the residence of Colonel Breithaupt, eight miles from Edgefield, he died, aged about thirty-four years. "The tears of a State fell on his early grave," wrote Judge O'Neal. Mr. Huger, his executor, brought suit against Duncan for Yancey's fee. The case was tried before Judge Gannt, who charged the jury, as follows :

"The property in contest, equal in value to a royal grant, had been claimed by several, among whom the present plaintiff had never been named, as a claimant, until evidenced by those actions. The name of *Yancey* as being counsel for him added weight and importance to his claims. And well it might, for who more distinguished than the deceased in the line of his profession? Who ever possessed a more lofty spirit or a more towering mind? Who was better qualified to stem the torrent of prejudice that was likely to arise from the attempt to dispossess so many settlers of what, by possession and lapse of time, they consider their proper freehold? These were the weighty considerations that lead to the selection of this





*Benjamin Edward Yancy*

1840 - 1910



Griffin, a rhetorician of rare accomplishment. The youth applied himself diligently to his studies, assisted in the editorial conduct of the *Adelphi*, the college literary journal, and contributed carefully prepared papers, of a controversial character, to it. The increase of his mother's family and the limited resources possessed by his stepfather, induced him to refuse longer to be a burden upon them. Not waiting to take his diploma he hastened to the law office of Nathan Sayre, of Sparta, Georgia, to prepare for the law. While on a visit to "Rosemont," he met Mr. B. F. Perry, of Greenville, South Carolina, a young lawyer of pleasing address and excellent ability. A mutual regard sprung up and Yancey soon appeared at Perry's office as a student of the law. Governor Perry wrote many years later: "I loved William L. Yancey much. He was a very young man when I made his acquaintance (19 years old). I was charmed by his pleasing and cordial manners, prepossessing appearance and intellectual endowments. He read law in my office one or two years, and then gave evidence of that brilliant career in politics which he afterwards ran. \* \* He wielded a fierce and terrible pen against nullification and disunion. In a time of high political excitement in South Carolina, he addressed large mass meetings with great success. I remember he made a speech at a public dinner, in reply to Hon. Warren R. Davis, a member of Congress, poet, wit and friend of his father. Mr. Davis was completely surprised, and at the conclusion of the young orator's speech, rose and complimented him highly to the audience. Mr. Yancey was a man of talent and genius; a man of impulse and deep feeling. He spoke with extraordinary fluency and clearness of statement. His style of speaking was more conversational than might have been expected from one of his impulsive nature. He wrote as forcibly as he spoke, and with great rapidity. He was a very handsome young man, always neat in his dress, and his habits were good and regular. I never knew him to indulge in any kind of dissipation. In company, he was the merriest of associates, but when left to himself, he was meditative to sadness. \* \* I will venture on a single anecdote, which will illustrate the affectionate nature and generous heart of William L. Yancey. He came from the North on a visit to Judge Huger, at



Charleston. An aged negress, who had been the property of his father, called to see him. As she was making her departure he slipped his purse into her hand. It contained all the cash he possessed. The act is an index to his whole character, as I knew it."

In the dawn of the age of mechanics and political economy, a written compact of Union had been made between "free and independent States" of America, divided almost equally into navigating States of the North and agricultural States of the South. Unity of empire was not declared to be the primary object of patriotic desire by the compact.\*

No citizenship of the Union superior to State citizenship was established.

The sections, feeling the impulse of the new age, began to test the sufficiency of the compact. Until sectional supremacy should ascend in the one to a height which required no argument to vindicate it, or sectional vitality should descend so low in the other as to be incapable of offence, the fast maturing rivalry between them promised little of reconciliation. The modern ideal of liberty — a conventional guaranty of free speech, a free press, and the reservation in the States, or the people, of all power not specifically delegated — began, early, to feel the impigning presence of the ancient fact of arbitrary power. Theories were on trial. Leaders came forward from the North and the South to remind the country that, in the time of Cato, Republican virtue had been made secure by the current of fearless inquiry into public affairs, and in the bold devotion of the people to abstract principle: but that, in the time of Tiberius, a splendid public extravagance and the prodigality of government corrupted private morals, surrendering to the petty wrangles of officers and their sentimental measures, the liberty of the people. And there was also a powerful party which cried out, there was no danger.

The excitement over the acquisition of the Louisiana Territory had subsided. War raged in Europe. The king of England forbid American merchantmen to carry French commerce: Napoleon forbid them to carry English commerce.

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\* See the Preface to the *Federalist*, prepared by Hamilton.

American merchantmen were indiscriminately seized on the high seas to be tied to British wharves to rot or to be towed into French ports to be confiscated. Mr. Jefferson, the President, issued his proclamation of embargo, closing every American port to sea commerce. The policy inflicted great inconvenience on New England. There was a universal protest there against it. Senator John Quincy Adams waited on him privately, desiring an interview. The request was strange, for the feeling between the men had not been cordial in consequence of the conflict of their parties. Mr. Adams assured the President that the restlessness of New England under the commercial restraints of the Federal government had assumed very grave importance. Certain citizens of high influence were in negotiation with agents of the British government. It was expected as a result of this negotiation that New England ships and goods would be free from interruption from the British war vessels on the seas; that, without a formal declaration of secession the New England States, in reciprocity of favor with Great Britain, would suspend their relations with the government of the United States. The Senator assured the President that a repeal of the embargo was necessary to prevent a convention of New England States putting in force the agreement with the British agents. The President replied, that if the question was reduced to war with Great Britain, or the secession of several important States, he preferred war and would at once urge that the embargo, a peace measure, should be revoked. The Legislature of Massachusetts heard of Mr. Adams' talk with the President, and, in rebuke, chose his successor in the Senate. Seeing this, Mr. Adams promptly resigned.

Debating the repeal of the federal law impeding commerce, Mr. Josiah Quincy addressed the House. He had said much for the cause of State Rights, he said more now. The planters of the South could live for years without a market, "but patriotism, to say the least, was a very inactive assistant" to the men of New England who saw their profits and their capital vanishing under a policy of federal government. "Touching the general nature of the instrument called (spoke Mr. Quincy), the Constitution of the United States, there is no obscurity; it has no fabled descent, like the Palladium of

ancient Troy, from the heavens. Its origin is not confused by the mists of time, or hidden by the darkness of past or unexplored ages; it is the fabric of our day. Some now living had a share in its construction: all of us stood by and saw the rising of the edifice. There can be no doubt about its nature. *It is a political compact.* \* \* Are the three branches of this government owners of the farm, called the United States? I desire to thank Heaven, they are not. I hold my life, liberty and property, and the people of the State, from which I have the honor to be a Representative, hold theirs by a better tenure than any this national government can give! Sir, I know your virtue. And I thank the Great Giver of every good gift that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the Legislature, nor the good gentleman who lives in the palace yonder, nor all combined, can touch these, my essential rights, and those of my friends and constituents, except in a limited and prescribed way. No, sir. We hold these by the laws, customs and principles of the Commonwealth of Massachusetts. Behind her ample shield we find refuge and feel safety. I beg, gentlemen, not to act upon the principle, that the Commonwealth of Massachusetts is their farm. \* \* Mr. Speaker, what is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake of the common blessings of God's providence? The beasts of the field and the birds of the air unite with us in such privileges as these. But man boasts a purer and more ethereal temperature. \* \* That which we call liberty is that principle on which the essential security of our liberty depends. It results from the limitation of our political system prescribed by the Constitution."

Mr. Madison succeeded Mr. Jefferson in the Presidency, receiving the electoral votes of all the States, except four in New England, and Delaware. On the demand of New England, Congress repealed the embargo act, but substituted the non-intercourse act, forbidding trade with England and France. The President was opposed to war, and Randolph was the leader of the peace policy. The expiration of Mr. Madison's term approached, and the New England States demanded the candidature of DeWitt Clinton, to oppose him

for re-election, on a war platform. All the New England maritime States, with New York, New Jersey and Delaware, voted for Clinton. War, therefore, was indicated as a commercial policy. The war of 1812 opened. New England became discontented with its progress. The government ordered out the militia of those States, not by a call on the Governors but by a general draft. The government proposed to invade Canada, and the draft was a measure of preparation for that event. New England did not admit the right of the government to make conscripts of citizens of States. An issue with the government was made on this point. In truth, New England did not desire an army of invasion to disturb her active trade with Canada. Therefore, by invitation of Massachusetts, all the New England States met, December 14, 1814, at Hartford, Connecticut, in secret session, to take steps to withdraw from their federal relations, as six years before they were about to do on account of the embargo. In three weeks the victory of New Orleans and the treaty of peace which had, indeed, preceded the battle, occurred, and the measures of the Hartford convention were abandoned, and the revolutionary scheme there prepared was forgotten.

As these pages discuss political character, subjects of public conscience and tests of loyalty in States and populations, here and there, it is notable that the attitude of New England toward the Union at this period stood in marked contrast with the slave States. The South Carolina "triumvirate," Lowndes, Cheves and Calhoun lead the war party for "sailors rights and free trade," with Henry Clay in support. Harrison, Jackson, Scott, Hampton, Richard M. Johnson, were commanders in the army fighting for "sailors rights and free trade," representing all parts of the South. In 1816, the first Congress after peace, considered the policy of retaining the war tariff for the protection of manufacturers of the North. Calhoun supported the measure on the general principle, that "the liberty and union of this country are inseparable." The next year, finding sectional amity had not been restored, Calhoun declared from his place in the House, "we are under the imperious necessity to counteract every tendency to disunion;" and, inspired with that high motive, originated a system of internal improvements by the federal government

to be supported by the bonus of the bank of the United States, and the government dividends from that institution. He would confess, he said, that the Constitution was founded on positive principles and not on precedents, but "by giving a reasonable construction to the money power it exempts from the necessity of giving a forced and strained construction to the other enumerated powers." Enthused with his scheme, he laid out a grand system which would connect the lakes with the harbor of New York, by a government canal, and the Ohio with the Chesapeake. He would connect the Mississippi with every Atlantic port and improve the navigation of that stream from its mouth to its head waters. If Congress had the right to purchase the stream, it was clearly within the purview of that right to improve it for public use. Hardly a Southern leader, save John Randolph, of Roanoke, who saw the enduring wisdom of the impassioned utterances of Josiah Quincy, of Massachusetts, which the latter now prepared to abandon.

The fateful lull of party vigilance spread itself over the land. In 1816 Mr. Monroe was elected President, receiving the electoral vote of every State, save Massachusetts, even yet suspicious and wary, Connecticut and, the least of all, Delaware. In 1820 Mr. Monroe was re-elected, receiving the electoral vote of every State. This was the beginning of "the era of good feeling," and party lethargy, from which sprang woes unnumbered. John Quincy Adams and Benjamin W. Crowninshield, representing Massachusetts, John C. Calhoun, William H. Crawford and William Wirt, representing the South, filled up the ablest Cabinet, perhaps, that President ever convened, since Washington's. In this memorable period of eight years, sectional discord was fomented at every point of sectional contact. There were four great acts of government—(1) the surrender of Texas, a part of the Louisiana purchase, to reconcile the North to the acquisition of Florida: (2) the enactment of the line  $36^{\circ} 30'$  as a geographical limitation to Southern institutions in the enjoyment of the common domain, by which they were excluded, arbitrarily, from nine-tenths and, conditionally, from all: (3) the enlargement of the definition of piracy to allow it to be applied to the only commerce which was specifically protected, and for twenty

years, by the letter of the Constitution, and upon which the institutions of the South were authoritatively founded, the African slave trade: (4) the regulation of commerce by a revenue law unequal in its burdens. The "era of good feeling" proved to be the season in which the sections manoeuvred for position on the field of future conflict.

The political career of William Lowndes Yancey opened with the collision of the newly discovered wage or factory system resident in the Northern States, with the unmatured and phenomenally fruitful system of African servitude in the Southern States. The last was a recognized subject of compact in the conventional origin of the nation; the first as a social factor was then unknown. The masses were content and prosperous everywhere. The non-slaveholding farmers of the South lived on the hills, where pure water and wholesome air contributed to their enjoyment. In the fertile swamps, the sturdy black man "looked the sun in the eye" with impunity. It was even then alleged that slavery shut out white labor. It is only necessary here to speak of the survival of a very happy and powerful society ever advancing in material and moral force. No civilized society was so exempt from pauperism as the South, no population presented so small a proportion, in comparison with its aggregate numbers, of insane or individuals born to infirmities, idiocy, physical deformity or loss of one or more of the five senses. No test of manhood in its more exalted moral duties was more promptly or intelligently met than by the people of the South slaveholders and non-slaveholders. At the initial of the conflict of the sections there was a source of intensity from which it was fed not quite recognized, in the fullness of its influence, by either rival. I refer to the effect of the institutions of the sections upon the individual citizen in his appreciation of liberty. Every citizen of the South who was theoretically a free man was actually free, to an unparalleled degree. Save in the examples of those relatively few persons who received wages or salaries in cities, the occupied classes were not, by bell-clapper, rung in or rung out of work. Each individual placed upon his time and his toil his own estimate of value, as was no where else done in a society equally

enlightened and progressive. Under no circumstances would a Southern born white fill a menial position. The familiar anecdote, whether apocryphal or not, which represents the orphaned and penniless lad, Andrew Jackson, of South Carolina, submitting to incarceration rather than obey an order to polish a British officer's boots is a correct interpretation of Southern spirit. General Waddy Thompson, of South Carolina, once Minister to Mexico, relates his sense of degradation seeing the coachman of President Santa Anna, an American, but dwells with delight upon the subsequent discovery that the man was not from the Southern States. Governor Perry, of South Carolina, writing, in the slave era, from Philadelphia, casually remarked, that in selecting a carriage at the public stand to drive over the city, he chose one with a negro driver, because of his reluctance to accept menial service from a white man. Senator A. G. Brown, of Mississippi, declared from his place, that in thirty years of intimate association with the people he had never known an example in his State where a white man or a white woman, native of the South, would fill a menial position. This spirit of liberty was not associated with a sense of degradation of labor. The non-slaveholding farmer tilled his own crops and his wife and daughters performed the domestic labor of his home. As African slavery became older, class distinction among whites more and more disappeared. In the latter decades of slavery there were few leaders of the South who had not risen from the non-slaveholding class. Clay and Jackson were instances. Calhoun supported a widowed mother by his labor at the plow ; his colleague in the Senate, Stephen D. Miller, sold the few slaves he inherited to obtain an education in college : Samuel Wilds, too proud to borrow a wagon and too poor to hire one, carried on his shoulder the plank to build his law office, from a saw mill a mile distant, and was, as the neighborhood tradition survived, fourteen years old before he owned a pair of shoes ; McDuffie and Thornwell, non-slaveholders from the hill farms, were educated through a full collegiate course by the liberality of wealthy planters. Both married into the highest circles of social life. African labor removed the necessity from capital of employing white labor, and white



labor found in the production of cotton, from fields owned by the producers, an independent, easy and safe maintenance.

The President of the University of Alabama, in the last decade of slavery, Basil Manly, annotated the relative wealth of the graduates there under him for ten years. Of those who took the first distinction, three were educated gratuitously, four were in a state of wealth below mediocrity, and three were in a state of wealth called average. Of those who took the second distinction, four were gratuitously educated, and only one ranked above the class of comfortably well to do in fortune. Indeed, so general was the appearance of individuals in places of trust and honor, risen from the non-slaveholding class, in every slave State, the adage prevailed, only poor boys make great men.

As personal liberty and social equality became more secure in the whites, as the general influence of African servitude expanded in the South so, on the other hand, as the influence of the factory system widened at the North, opening to recurring thousands new places for wages, the line was drawn, ceaselessly, deeper between social divisions of the same ruling race, the lucky and the unlucky. The plantation system, a perfect conservatism, levelled classes. The factory system, ever drawing fishermen from their "property in the waves," gave them none; drawing from the farms sons and daughters, made of them spinners, carters, agents, domestic servants, even artisans and inventors, yet all dependents on the selfishness of capital concentrated, ever concentrating, and more fickle. Educated wage workers inquired into the equities of social organism. They discovered the legalized force of capital at the North and discovered the mechanical status of labor at the South, here not only disfranchised, but represented in the law-making power, State and federal. The battle of labor enfranchised at the North, and capital in labor at the South was inevitable, in the nature of things. To strike down slavery at the South, would be the first blow of American labor to elevate itself to the rank of a co-equal with capital.

Three leaders appeared in the arena of sectional conflict—Clay, John Quincy Adams and Calhoun. There were two methods of advancing the cause of centralization lead,



respectively, by the first two. Calhoun spoke against the combination, for State Rights. Clay appeared first of disturbers in the field with his American System. To relieve it of Southern opposition, he proposed the purchase of slaves on government account, and deportation of the black population to Liberia. He did not seem to appreciate the resulting task of bringing peace and harmony into the investment and operation of the capital, derived from the sale of slaves, under a paternal form of government. Could the Congress of a vast empire be depended on to settle successive claims of capital, to measure out equitable protection and encouragement to enfranchised labor in numerous States, and various climates? Mr. Adams appeared next in order, with a scheme to establish paternal government by the abolition of slavery through federal legislation, leaving the blacks as political support to that form of government. Calhoun interposed the Constitutional position of slavery, and the fundamental theory of State Rights to resist both schemes.

Very great men were these three leaders. Mr. Clay raised the issue, and, in that sense, carries the imprimatur of a greater historical importance. Rising from deepest obscurity, in a slave community, without education in books or other mental enlargement, not involved in a struggle for subsistence, chiefly on the Western frontier, he came through other grades of the public service into the Senate while barely of the legal age. Seizing the new social force, the factory system, and misconceiving its evolutionary relations to African servitude, he bore it upon the splendor of his genius as a speciality of statecraft. Under various delusions he compelled it to challenge the source of its life, the plantation economy.

From his youth up, no man in America had been so carefully trained in politics as Mr. Adams. He inherited the high ambition and lively imagination of one of the most remarkable of American women, his mother. From his historic father had descended to him an acute understanding, a bold spirit and addiction to petty foibles. Pure in private life, he was audacious and revengeful in public life. He was erudite and cunning. Upon the threshold of manhood he was Secretary to Legation at London, and studied there: he became Minister at St. Petersburg and Paris, and continued to

study. He had been Senator, Cabinet officer and President. No American had been educated with so great care in the associations of aristocracy as he. His father's private counsel to his son, his father's public utterances of more than half a century, indoctrinated him in the grandest schemes of an all-powerful central government, and turned him against the people. As the father demanded that free speech and freedom of the press should stand in law as felonies, the son grasped the Constitutional privileges of free speech and a free press to assail the Constitutional rights of his adversaries. Smarting under the refusal of the people to continue him for two terms in the Presidency, a refusal never before met by any aspirant, save in the example of his father, Mr. Adams, with well matured purpose, took for life an office lower in rank than any he had ever held, and from his seat in the federal House of Representatives, with unrelaxing energy, put in motion the most awe-inspiring events of modern times.

Calhoun, a graduate of Yale, a devotee to the science of liberty, the most progressive farmer, the most beloved neighbor, coming into the Senate from long experience in other exalted stations of public service, began at once to speak for State Rights, as the best and only obstruction to the approaches of revolution. The reasoning in him that less sagacious leaders denounced as revolutionary, and less profound minds derided as metaphysical, was, indeed, from that purer vision obtained by him of government, founded on nature: government wherein the harmonious action of constituent forces, each recognized and none extinguishable, produces the completest unity.

There were other great actors, but these three were the leaders in that time, when the age of Washington seemed to have turned backward toward the age of the king. General Jackson came upon the scene at a time when his peculiar talent in the Presidency gave an enduring cast to events made ready in the rough for him. Hayne and Webster debated propositions prepared for them.

There lived in South Carolina, at the beginning of the conflict between the factory system and State Rights, a man who entered most vigorously into the battle against Mr. Clay's American System. This was the Englishman, Dr.

Thomas Cooper, President of the South Carolina College, of whom Jefferson wrote to Cabell: "He is acknowledged by every enlightened man who knows him, to be the greatest man in America, in the powers of his mind, and in acquired information, and that without a single exception." It was Dr. Cooper who was indicted under the famous Sedition law, convicted of writing critically of President John Adams, and sentenced to pay a fine of \$400, and be kept in prison six months. President Adams wrote of him: "A learned, ingenious, scientific and talented mad cap is Dr. Cooper." Dr. Cooper had taught the new science of political economy to the sons of planters for nearly ten years, when the people became alarmed at the "bill of abominations." Nobody in all the Colleges of the Union, save he and Silliman, of Yale, taught geology, or could teach it; and Cooper's lectures on political economy became all the more weighty because of the notoriety of his scientific attainments, which he brought to bear upon the Mosaic record, in what was then esteemed an irreligious, or skeptical criticism. Graduates of the South Carolina College were expected to enter politics for at least several years after taking their diplomas, and thus, when very young, many of them sat in the Legislature. By the year 1826 an intense antagonism to the tariff had developed in that State; and in other States, where graduates under Cooper had settled, the same hostility to the measure was set in motion by them.

From the earliest period of the Union under the Constitution the people were attached to the policy of raising federal revenue by duties levied on imports. The journals of the convention of 1787, however, indicate the indisposition of that body to confer on Congress the right to protect manufacturers by such duties. Mr. Jefferson has left on record his view, that protection to manufactures, incidental to necessary federal taxation, may be sound policy. The right of the government to impose burdens on the capital and industry of one class of people, or one portion of the Union, not to raise revenue, but to promote the capital and industry of another class or of another section, was brought forward, first by the discussion of the tariff of 1816. South Carolina, whose history on the question is now under review, consented to the

tariff of 1816 without endorsing the principle of tariff protection. The United States owed then a war debt, over one hundred millions of dollars, requiring revenue to discharge. The embargo and the war in Europe, prolonged over seven years, had diverted a large amount of capital from commerce to cotton and wool manufactures in the United States. The two problems were, to pay the debt and to avoid the sacrifice of meritorious home enterprise by too precipitate legislation on the tariff. The average rate of duties under the act were about 30 per cent, *ad valorem*. The Southern States, with practical unanimity, followed the lead of South Carolina in accepting the measure. In Congress all the Southern States voted for it. The South made no effort at any time to disturb this tariff. It was soon understood in its burdensome effect upon her industry, yet it was accepted as a final adjustment. But scarcely had the bill been signed when the manufacturers at the North began to agitate for revision and increase of rates of duty. Public sentiment there, however, was much divided. Mr. Webster represented the commercial interests of Massachusetts, and bitterly opposed raising the tariff. In South Carolina the opposition to a protective tariff began to take form in 1818. In 1820 a revised tariff, protective in intent, was passed. Late in 1824 another tariff act, distinctively protective, was passed. Mr. Webster now came over to the tariff or centralization party. Hayne, in the Senate, and McDuffie, in the House, delivered memorable speeches against this act. The act of 1824 thoroughly aroused South Carolina. Public meetings were held in all the districts (counties) of any considerable population. Dr. Cooper went out to address some of the meetings. It was at one of the anti-tariff discussions at Columbia, in 1826, that he originated the aphorism: "It is time for the South to calculate the value of the Union." No one could be found to favor the measure. William Campbell Preston, a young Whig of rare oratorical powers, took the stump against it. Colcock, President of the bank of the State, violently opposed it.

The first session of the Twentieth Congress opened, December, 1827, ripe for angry debate on the tariff bill then before it. A convention of manufacturers at Harrisburg, Pennsylvania, and other bodies and individuals sent memorials to

Congress to pass the bill. The bankers, merchants, and planters of South Carolina continued to meet to discuss the question. The lower House raised a committee to send for persons and papers and prepare a report. The report was considered from February to April, 1828, and the "bill of abominations" then passed the House by twenty-one majority. It became law by the approval of President John Quincy Adams. The South Carolina delegation in the House met to consider the propriety of their withdrawal from their seats and the relegation of the question to their constituents. They decided to send out a joint address of warning to the people. A young member of the Legislature, Robert Barnwell Rhett, issued a circular letter to his constituents, of Colleton, advising that a call be made on the Governor to summon a sovereign convention to withdraw the State from the Union. The Colleton meeting called on Governor Taylor to convene a convention, but he omitted to act. Thus arose the two questions, whether, in avarice and political intrigue, a majority of Congress should be permitted to regulate the industry of the people; and, whether the State possessed reserved powers against the encroachment of unconstitutional authority in Congress. Hayne pointed out that of the \$47,000,000 exports, upon which the whole foreign trade was based, the three Southern staples, cotton, rice and tobacco, contributed more than two-thirds. McDuffie urged the government to take forty out of every one hundred bales of cotton to donate to the manufacturers, a government bounty collected here and paid there, as a compromise, leaving sixty bales to the ordinary course of unimpeded commerce. An unexampled public education in politics proceeded in South Carolina. Private funds were freely contributed to publish arguments and pamphlets on the system of taxation. The best orators spoke to monthly meetings of the people at every court house in the State.\*

Under this condition of general excitement, parties were organized for the Presidential campaign of 1828. Mr. Adams was announced by the manufacturers, for re-election, through

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\* In a letter to Mr. Madison, February 17, 1826, describing the origin of his individual debts and their oppressions, Mr. Jefferson described the effect of the "levies for support of manufacturers, etc., with the calamitous fluctuations of value in our paper medium," on agriculture in Virginia. Lands had diminished "from fifty to one hundred dollars the acre (and such sales were many then) to ten or twenty dollars."

the Congressional caucus, with Richard Rush for vice-President. The question to be determined was so thoroughly understood that the opposition held no caucus. By spontaneous consent, expressed through public meetings and the press, General Andrew Jackson, and Calhoun, the acknowledged leaders of Southern opinion, were named for President and vice-President. The victory of the tariff for revenue only party was complete. The New England States, New Jersey, Delaware and Maryland, cast their electoral votes for Adams and Rush. Jackson and Calhoun carried the others, except that the seven electoral votes of Georgia were given for William Smith, of South Carolina, for vice-President.

Earnestly as the people of South Carolina felt on the measure of protective tariff, they were aware that the collection of the surplus revenue through it, and the direct benefits the manufacturers would derive from it, comprised only a part of Mr. Clay's scheme of financial and industrial regulation by government. He proposed a bill to distribute the surplus revenue among the States. The distribution of the surplus, by a political party, would have the natural effect of increasing the devotion of the party to the American System, calling for the strict enforcement of its provisions, and for the ceaseless enlargement of its schedule. The distribution feature of the general scheme promised a limitless source of political corruption. The only way to cut off the distribution was to abandon the protective feature of the revenue laws. The "bill of abominations" must be repealed. To effect the repeal Mr. Calhoun set himself devotedly to work. Personally, he had great risks to run. Four years before, he received more votes for vice-President, in New England, than John Quincy Adams received for President. He was, undoubtedly, the most popular statesman in the Union. He took no account of his political prospects.

The Legislature of South Carolina assembled in November, 1828, and the first two weeks of the session were devoted to tariff discussion. A special committee was then appointed, composed of the ablest men of a very able Legislature, to report on the general subject. By request of one of the committeemen, W. C. Preston, Mr. Calhoun drew the report. It was a protest against the "bill of abominations," an

argument against the principle of protection, and an invitation to the people of all the States to "co-operate in such measures as may be necessary for arresting the evil." The document was sent out as "The South Carolina Exposition."

The Exposition, speaking specially to the staple or slave States, said :

"We may be assured that the large amount paid into the Treasury under the duties on imports is really derived from the labor of some portion of the citizens of the United States. The government has no mines. Some one must bear the burden of its support. This unequal lot is ours. We are the serfs of the system — out of whose labor is raised, not only the money paid into the Treasury, but the funds out of which are drawn the rich reward of the manufacturer and his associates in interest. \* \* The last remains of our great and once flourishing agriculture must be annihilated in the conflict. In the first instance, we shall be thrown on the home market, which cannot consume a fourth of our products, and instead of supplying the world, as we would with a free trade, we would be compelled to abandon the cultivation of three-fourths of what we now raise, and receive for the residue whatever the manufacturers, who would then have their policy consummated, might choose to give. \* \* If, instead of raw cotton, we should ship to the manufacturing States, cotton yarn and cotton goods, the thoughtful must see that it would inevitably bring about a state of things which could not long continue. Those who now make war on our gains, would then make war on our labor. \* \* We are thus compelled to produce (raw material) on the penalty of losing our hold on the general market. We cannot withstand the double action. Our ruin must follow. In fact, our only permanent and safe remedy is, not from the rise in the price of what we sell, in which we can receive little aid from the government, but a reduction in what we buy, which is prevented by the interference of the government. \* \* The evil is in the exports (we make) and the most simple and efficient system to secure the home market would in fact be to prohibit exports. As the Constitution only prohibits duties on exports, and as duties are not *prohibition*, we may yet witness this addition to the American System. The same construction of the instrument which justifies the System itself would equally justify this last means of perfecting it."

The President elect was duly inaugurated and with his accession to office came the "spoils system," an arbitrary course of administration and intrigue, whose center was at the Executive Mansion. The vice-President was informed, before taking office under General Jackson, by many gentlemen, of a systematic labor going on to compel a rupture between the two highest officers of the government. In the spring of 1830,



the rupture came, by means of a correspondence opened by the President with the vice-President. Mrs. Calhoun had not returned the visit of Mrs. Eaton, wife of the Secretary of War, whose admission to Washington society had not been allowed, even on an understood exaction of the President. This cause of resentment was, more or less, concealed. The vice-President resigned and the Cabinet dissolved.

The election of the South Carolina Legislature, of 1830, turned upon the doctrine of State interposition. It was, by this time, apparent that General Jackson would not be able to arrest the protective policy, and at the same time execute a policy, born with his Administration, the use of the federal patronage to support the Administration. The Legislature discussed the tariff. Agitation was rife, and the summoning of a convention was urged by many. McDuffie said, when the Roman people sought bread at the public granary, "the multiplying villainies of human nature" went on increasing until the empire was sold at public auction. "Do we not perceive at this very moment (he cried) the extraordinary and melancholy spectacle of less than one hundred thousand capitalists, by means of this unhallowed combination, exercising an absolute and despotic control over the opinions of eight millions of free citizens, and over the fortunes and destinies of ten millions?" James Hamilton, a gentleman of culture and excellent ability, was chosen Governor, taken from the ranks of the extreme State Rights men. At his request Mr. Calhoun wrote a letter of great length, from the quiet of his farm, Fort Hill. As an analysis of the federal Constitution this letter will survive, to the admiration of all students of the science of government, so long as the language in which it appears is known. Speaking of the subtle distinction between the act of a sovereign State in withholding its assent to the usurpation of its agent, the federal government, and the act of secession of the State, from the federal government, the letter declared: "First, they (the acts) are wholly dissimilar in nature. One has reference to the parties (to the compact) themselves; the other to their agent. Secession is a withdrawal from the Union, a separation from partners, as far as depends on the member withdrawing, a dissolution of the partnership. It presupposes an association; a union of several



States or individuals for the same object. Nullification, on the contrary, presupposes the relation of principal and agent; the one granting a power to be executed, the other, appointed by the grantor, with authority to execute the power. Nullification is simply a declaration made by the principal, in due form, that the act of an agent transcending his authority is null and void." Referring to the rights of the federal courts to decide a question in controversy between the States and Congress, or the Executive, the letter said :

"The construction which would confer on the Supreme Court the power in question, rests on the ground that the Constitution has conferred on that tribunal the high and important right of deciding on the constitutionality of laws. That the Court possesses this power, I do not deny. But I do deny, utterly, that it is conferred by the Constitution, either in the provisions above cited, or any other. It is a power derived from the necessity of the case; and so far from being possessed by the Supreme Court exclusively, or peculiarly, it not only belongs to every court of the country, high or low, civil or criminal, but to all foreign courts before which a case may be brought involving the construction of a law which may conflict with the provisions of the Constitution. The reason is plain. When there are two sets of rules prescribed in reference to the same subject, one set by a higher, the other by a lower authority, the judicial tribunal called in to decide the case must unavoidably determine, should the two conflict, which is the law: and that necessity compels it to determine that the rule prescribed by the inferior authority if, in its opinion, inconsistent with the higher, is void — be the conflict between the Constitution and the statute, or between a charter and the by-laws of a corporation, or between any higher or inferior authority whatever. The principle involved and the source of authority are the same in all cases. Being derived from necessity, it is confined within its limits and cannot pass an inch beyond the narrow confines of the case before the court. The court must decide between the parties amenable to its process — excluding thereby political questions — which of the two, the act of Congress or the Constitution really is the law. And yet, from this resultant, united power, derived from necessity, and held in common with every court in the world, which, by possibility, may take cognizance of a case involving our Constitution and laws, it is attempted to confer on our Supreme Court power which would make a thorough and radical change in our system, and which, moreover, was positively refused by the Convention."

Never had a political question been so ably discussed before the people, as the question of nullification in South Carolina. Never before in the history of parties in the United

States had a party been so thoroughly organized, as the Nullifiers. On the first Monday in every month — sales day — they met at the court house, in every district below the mountains. Every Nullifier wore the blue cockade; wore it to the meeting where Calhoun, Preston, McDuffie, Miller, Rhett, Warren R. Davis, Colcock, Hayne, Hamilton, Cooper, expounded profoundest theories of government; wore it to church, and to dinner. Agitation was the highest and noblest duty of the district club, and of every member. Agitation separated sons from fathers, brother from brother, parted friends, but went on. Every militia election turned on nullification, and every decree of a court of justice, high or low, was jealously watched to determine the politics of the presiding judge. Hardly a meeting met or dissolved without a hostile collision of partisans. Rich and poor were Nullifiers; and rich and poor were Union men. In the low country, where Cavalier and Huguenot descendants lived in wealth, the Nullifiers controlled; in the up country, where the Scotch-Irish descendants inhabited, with comparatively few slaves, the Union sentiment was strong.

No sooner did Governor Hamilton learn that the Nullifiers had carried the election, in the fall of 1832, than he summoned the new Legislature, in extra session, to recommend the calling of a sovereign convention. The convention was called and met, shortly before the Legislature assembled in regular session in November. Mr. Calhoun prepared its "Address to the People of the United States." "The government is neither the Union nor its representative, except as an agent to execute its powers (said the document.) The States themselves, in their confederated character, represent the authority of the Union. \* \* Correctly understood, it is not the State that interposes to arrest an unconstitutional act, but the government, that passed it, which resists the authority of the Union." Almost every prominent man in the State sat in the convention. The Governor presided. The three Judges of the Court of Appeals, William Harper, Nullifier, and David Johnson and John Belton O'Neal, Union men, were delegates. Judge Huger, of the Circuit Court, resigned his life office to become a delegate; Judge Richardson, of the same branch of the judiciary, was a delegate, but did not resign. Robert Y.

Hayne, lately a Senator, S. D. Miller, Senator, George McDuffie, Representative, Colcock, President of the Bank of South Carolina, Ex-Governor Middleton, Rhett, Perry, and many others, then famous or destined soon to reach distinction, were delegates in attendance. Monday at noon was the time at which the convention was called to meet. Excitement was so intense at the hotels that at a caucus of the Union men, held Sunday evening, it was proposed, and seriously discussed, that being in a hopeless minority, they should not take their seats. "If we take our seats," said the gallant Huger, whose valor had been, ere now, well proven, "if we take our seats, we shall hear things that will call for blood. If they talk, as I suppose they will, blood must be shed. It cannot be avoided." Perry, one of the youngest delegates, opposed the precaution advised. Governor Hamilton, upon taking the chair, delivered an elaborate but temperate address. The convention, though firm, was duly impressed with the solemnity of the occasion. The Nullifiers bore themselves with utmost respect towards the cause they had come to defend and towards their now impotent adversaries. A committee of twenty-one was appointed to take under consideration the grievance of the State and to report. This was the work of the first day. No oath was required of the delegates. There seems to have been no session Tuesday, but Wednesday the committee reported an Ordinance of Nullification. The Ordinance assumed that the act of Nullification would be peaceable, but it provided that if the interposition of the Ordinance to arrest the oppressive and unconstitutional act of Congress should be met by an attempt, on the part of the federal government, to coerce the State into obedience, the State should, in that event, resume her sovereignty entire, and withdraw from the Union. Judge Harper had drawn it. It was adopted without debate. Huger, Richardson, Manning, and other leading Union men refused to sign it. Turnbull wrote the Address to the People of South Carolina; Hayne wrote the Exposition on the Tariff. Each document was of a very high order of ability and left an enduring influence on the public mind.

It was now made known that General Jackson, in the contest of 1832, had defeated Mr. Clay, and was re-elected President by a larger majority than that gained over Mr.

Adams. Thus, in so far as the people had spoken, the principle of consolidation, represented by Clay and Adams, from different standpoints, was defeated ignominiously. But, the people of the United States were not yet ready to brave the most resolute of Presidents. General Jackson was highly incensed at South Carolina. Hayne resigned from the Senate to allow Calhoun to take the place. Calhoun retained his seat in the Senate while the convention at Columbia acted. He was far from idle. Indeed his presence in his seat was important to sustain his theory, that South Carolina had not seceded, but had "interposed" her constitutional right to check an unconstitutional act of her agent. There had been, for many years, a warm friendship between General Jackson and Calhoun. Jackson had drunk to his own toast: "John C. Calhoun; an honest man is the noblest work of God." But this was of the past.

The President of the United States received, promptly, from the Governor of South Carolina a copy of the Ordinance of Nullification, and as promptly met it by a proclamation, and a special message to Congress. These federal documents are justly entitled to take rank as great determining influences in the rivalry of sectional civilizations within the Union. They promoted, inestimably, the dogma of Mr. Clay and the radicalism of Mr. John Quincy Adams. Their influence was, indeed, abnormal. No President had ever held so enormous a personal following to his support as Jackson. Coming into office at a time when new parties were being formed on new issues, he, as has just been said, introduced suddenly a vicious practice, hitherto unknown in the government, a systematized distribution of the honors and emoluments of office as a reward to his personal adherents. On the turn of a great principle, he had defeated Adams before the people, in 1828; on the same issue, better defined, he had beaten Clay, even more signally, in 1832, but neither Adams nor Clay had so given emphasis to the essential doctrine of centralization as this President through whom the public devotion to State Rights had been pledged in two general elections. In the spoils system of a Democratic administration were planted the ineradicable passions of revolution. The famous proclamation argued, with great

reiteration, that State sovereignty was subordinate to National sovereignty. The substance of the President's argument was, that under no circumstances could a State be allowed to interpose to check the asserted authority of the federal government. "The terms used (said the President) in the construction of the Constitution show it to be a government, in which the people of all the States collectively are represented." Yet in truth, the people "of all the States collectively" have never been represented in any one of the three branches of the government. Presidents have been inducted into office against whose election a majority of the qualified electors have appeared at the polls and cast their votes; and by reason of the fact, that the people collectively, do not determine Presidential elections, but the people of the separate States. The popular House of Congress is not chosen by the people collectively, and therefore does not represent a collective, national constituency. The proclamation proceeded: "It is a government in which all the people are represented, which operates directly upon the people individually." This was the argument of Webster in his reply to Hayne, and being now appropriated by the leader of the party opposed, as had been believed, to the party of Webster, he brought immense force to its support. There was, nevertheless, no ground for assuming that the citizens of a State, obeying its laws, could commit treason against another State or several States conjointly. Virginia and New York in their acts of ratification, had expressly reserved the right of resuming their complete sovereignty. Massachusetts declared she was entering a "compact." Rhode Island declared, when acceding to the Union, that "the powers of government may be resumed by the people whenever necessary to their happiness." South Carolina had attached to her ordinance of ratification of the Constitution, an express provision, that federal taxation should be limited to "public exigencies." Robert Y. Hayne, who had now come into the office of Governor of South Carolina, was directed by the Legislature in session, contemporaneously with the convention, to reply to the President's proclamation. The Governor's response was "elegant in its composition, elaborate and conclusive in its argument, exposing the sophistries of the President, just and clear in its constitutional exposition and raising

by its proud tone of defiance, its devoted patriotism and spirited rebuke, all the highest feelings of the country." Exeter Hall sent cheering words, and money to set up a publishing establishment for incendiary documents, to the newly organized New England Anti-Slavery Society, but the slave States did not respond to the messages from South Carolina; although Virginia reiterated, by formal act of her Legislature the resolutions of 1799. The President corresponded directly with the Union men of South Carolina, pledging them protection and the use of money and the arms in the federal arsenal at Augusta. He ordered the sloop of war, *Natchez*, to Charleston harbor, he armed Fort Sullivan, turned the guns of Castle Pinckney on Charleston and sent General Scott to command the federal military preparations in the State. Governor Hayne called for more volunteers and sent for more arms.

Following the proclamation of the President came the Force bill in the Senate, the work of Mr. Webster, purporting to provide for the collection of federal revenue in South Carolina sea ports. Mr. Wilkins, from Pennsylvania, who reported the bill to the Senate, explaining it, said: "Here nullification is declaimed, on one hand, unless we abolish our revenue system. We consenting to do this they remain quiet. But if we go a hair's breadth toward enforcing that system they present secession. The whole State of South Carolina is in arms at this moment and its citizens are ready to be embattled the moment any attempt is made to enforce the revenue laws. The city of Charleston wears the appearance of a military depot." Mr. John Tyler, Senator from Virginia, opposed the bill. It gave the President unconstitutional authority to close what ports he pleased and to open new ports where he pleased. This was one of the gravest charges made by the colonies against the mother country. The king had removed the custom house from Boston to Salem and the people rose to resent the wrong. "If the majority shall pass this bill they must do it on their own responsibility; he would have no part in it." South Carolina might be wrong, but she was brave and true, and the President could not go there by his consent to "hang her Governor, her Legislators, her Judges, and reduce her to the condition of a conquered province to claim that, in this, he had preserved the Union."

The determining influence exercised by Mr. Calhoun upon the course of his State and the permanent position which his fame holds in the history of the country, cannot fail to preserve the interest of students of the nullification movement in the particulars of his conduct, in a season of the great wrath of so resolute a man as General Jackson, invested with summary power, or assuming it, and the subordination of Congress to the Executive. Mr. Calhoun discussed the Force bill two days, February 15th and 16th, 1833, in long speeches. He said that as the federal government had no rights in South Carolina beyond the delegated rights, that it had only been legislated out to the extent that it had no right to enter. If all the States considered the question as carefully as South Carolina had done, all would stand by her side and the situation would be very different. South Carolina had not been precipitate. She had studied the question and studied the remedy of the evil at her door, for twelve years. At the close of that time she found the custom house, a mere place for paying taxes, removed from the haunts of commerce to Castle Pinckney, where the cannon of the government protected the usurped taxing power.

“Has Congress the right to pass this bill?” he asked. “What are its provisions? It puts at the disposal of the President the army and navy and the entire militia of the country: it enables him at his pleasure to subject every man in the United States not exempt from the militia, under martial law: to call him from his occupation to the field and under the penalty of fine and imprisonment to imbrue his hand in his brother’s blood. \* \* This has been said by the Senator from Tennessee (Mr. Grundy) to be a measure of peace. Yes, such peace as the wolf gives to the lamb — the kite to the dove! Such peace as Russia gives to Poland, or death to its victim! A peace, by extinguishing the political existence of the State, by awing her into the abandonment of the exercise of every power which constitutes her a sovereign community. It is to South Carolina a question of self-preservation: and I proclaim it, that should this bill pass and an attempt be made to enforce it, it will be resisted at every hazard — even that of death itself. Death is not the greatest calamity: there are others still more terrible to the free and brave, and among them may be placed the loss of liberty and honor. There are thousands of her brave sons who, if need be, are prepared cheerfully to lay down their lives in defence of the State and the great principles of constitutional liberty for which she is contending. God forbid that this should become necessary. \* \* Disguise it as you may, the controversy is one between power and



liberty: and I tell gentlemen who are opposed to me, that as strong as may be the love of power on their side, the love of liberty on ours is stronger. \* \* There are often close analogies between events apparently very remote. In the great contest between Greece and Persia, between European and Asiatic polity and civilization the very question between the federal and consolidated form of government was involved. The Asiatic governments from the remotest time, with some exceptions on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers on a central point. The reverse principle has prevailed in Europe — Greece, in all her States, was based on a federal system. All were united in one common but loose bond, and the governments of the several States partook, for the most part, of a complex organization, which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and if we turn to the Teutonic race, our great ancestors — the race which occupies the first place in power, civilization and science, and which possesses the largest and fairest part of Europe — we shall find their governments were based on federal organization."

While the convention deliberated, at Columbia, such was the condition of affairs and the attitude of the leader of the constitutional argument. Mr. Letcher, a member of the lower House of Congress, from Kentucky, in a private way, suggested to Mr. Clay a compromise, of some kind, to adjust the trouble with South Carolina. Mr. Clay, not at first receiving the thought graciously, afterwards mentioned it to Mr. Webster. Webster repulsed it indignantly. "The time has come to test the strength of the government," he said. Webster was omitted from all further consultations on the subject. Clay and Calhoun were not on speaking terms, but Letcher brought about a formal interview between them in the former's apartments — Clay, rising, bowing stiffly, and inviting his famous visitor to be seated. Thence Letcher went to see the President, who was found to be of the same mind with Webster and an apparently credible report was, that he had comforted the friends of his proclamation with a pledge to have Calhoun arrested as soon as Congress adjourned, the short session then nearly exhausted, to be put on trial for high treason, for which offense, in his case, the President was said to consider the halter light enough punishment. Mr. Calhoun seldom allowed the greatest demand on his time to intrude upon his hour of going to bed, which was 10 o'clock.



Senator Josiah Stoddard Johnston, of Louisiana, a Whig, having heard of the President's avowed intent, called to see Calhoun, who was in bed, towards midnight and was admitted to his bed chamber to communicate the rumor. Mr. Clay brought in his compromise bill. A committee was appointed to report on it, consisting of Messrs. Clay, Calhoun, Clayton, Dallas, Grundy and Rives, all from the slave States, except Dallas, from Pennsylvania. The bill passed, with certain amendments. It provided that the tariff, upon which a great amount of capital had been invested in manufactures, should stand as it was, subject to a gradual reduction, for ten years, at the expiration of which period the protective feature, or the American System itself, would be abandoned. Webster voted against the bill, in the interest of the manufacturers: Benton voted against it to sustain the President's position, as he invariably did, when opportunity offered.

While events were being so turned at Washington the Nullifiers at home were far from any hasty action. They met at Charleston to request the Governor to extend the period for the enforcement of the Ordinance of Nullification. Meantime a ship arrived in the harbor laden with State arms and munitions of war. Governor Hayne was aroused at dead of night by excited friends, who assured him the Union men, or Proclamation men, as they were then called, were organizing to seize it, and he was urged to call out the military companies to protect the public property. The Governor, with admirable coolness, said he would not call out a political party to make war against a political party; if blood was to be shed, the Union men should fire the first shot; and, thereupon, resumed his rest. An episode, not a little amusing, marked the progress of the movement when at its height. Governor Hamilton, in the last hours of his Administration, sent a schooner to Cuba to return laden with dutiable sugar, which he intended to bring into the port of Charleston, refuse to pay the tariff charges, and thus present an issue to the government. When the schooner arrived with her return cargo the custom house was already at Castle Pinckney, and under the guns of that fortress the South Carolina sugar was stored. The Nullifiers brought the case before the United States District Court, at Charleston, and sent for Mr. McDuffie to argue

it. They mustered in great procession to receive him on the outskirts of the city, and escorted him, with banners and music, through the streets. A crowded house assembled to hear McDuffie for the State and James L. Pettigru for the United States. Meantime, some Union men had gone over to the fortress and given bond for the duties on the cargo in duress. McDuffie delivered an argument extremely satisfactory to his client. Pettigru rose, and with much affectation of solemnity, remarked to the court that however ready he might be to combat the able argument of the orator on a proper occasion, he would not consume the time of his honor with an irrelevant discussion. Mr. McDuffie had only to pay the amount nominated on the bond for duties, filed with the clerk, and the custom house had no farther claim upon the sugar.\*

Mr. Calhoun retained his seat until the adjournment of the session of Congress, March 4, when General Jackson was inaugurated for his second term. The South Carolina sovereign convention stood adjourned until March 11. McDuffie, Rhett and many others were opposed to acceding to Mr. Clay's compromise, unable to join in the hope that the manufacturers and Abolitionists would permit a policy of free trade with Europe and the Constitutional rights of capitalized labor in the slave States, to abide in peace. They were well persuaded that there should be a treaty, if possible, for a dissolution of the Union; and that, in any event, South Carolina should not recede from the vantage ground, she had already attained to, on the basis of a mere statute of Congress subject to the variableness of public sentiment in the free States. Mr. Calhoun, however, hastened to Columbia. He arrived, much fatigued by a rough and hastened journey, the last night's travel having been in an open country wagon, engaged on the way to overcome the unexpected delay of the mail coach in which he had taken passage. He accepted the invitation of the convention to a seat on the floor. The extraordinary animation of his large and luminous eyes attracted universal attention as the convention proceeded. The commissioner from Virginia, Benjamin Watkins Leigh, appeared

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\*Reminiscences of a Charlestonian, published in Charleston News and Courier, 1888.

with the friendly interposition of his State, asking that the compromise be accepted. The President of the body, General Hamilton, delivered an admirable address advising the acceptance of the compromise. Senator Miller spoke, assenting to that view, but bestowing upon General Jackson much bitter invective. Mr. Rhett said he could attach no importance to the compromise. He would vote to repeal the Ordinance because Virginia advised it. He said :

“There is a question pending between the North and the South, resulting from the difference in the political, mental and social organism of the two sections, which no party measure can settle — which cannot be settled save by treaty or by revolution. The convention should understand, that when the present dispute, which disturbs the Union and divides it into hostile sections, is pacified, the quarrel will be found to have been only changed to slavery. Slavery, with all its semi-religious and fanatical associations, will take the place of the question we have compromised.”

So fell the American System before the doctrine of liberty based on decentralization of political power ; and so triumphed the State of South Carolina, bringing upon itself the hatred and jealousy of the supporters of centralization in every quarter. Monopoly, cut off in one direction, shifted to another. The war against the labor of the South came, with accelerated speed, to overcome “that policy which should hold an equal and impartial hand in government, neither seeking or granting exclusive favors or preferences, consulting the natural course of things, diffusing by gentle means the streams of commerce, but forcing nothing.” — (Washington’s Farewell.) The ceaseless and ever augmenting peril to slavery in revolution, reduced the enterprise of the people of the South to the one industry, of opening fresh fields to employ slaves. The first canal opened to commerce in the United States was the Wateree Canal in South Carolina, the South Carolina railroad was the first of equal length built in the Union, and upon it was operated the first of American made locomotive engine, the first steam ship that crossed the Atlantic was built on the order of Savannah capitalists and received its outgoing cargo in cotton from the wharves of Savannah. But the peril of slavery, in which species of property the great bulk of investment lay, acted to chill the enterprise of the South in the risks of commerce and to stimulate the North to renewed efforts to

occupy the entire commercial field. What secret inspiration the abolition agitation may have found in this fact, it is useless here to inquire. The people of the South were equal to great enterprises. Wherever they were permitted under their federal relations to appear on terms of equality with the North, in the learned professions, in the pulpit, in the Senate, on the arena of combat by land or by sea, they lost nothing in comparison. The institution of African servitude was seen in its ennobling effects wherever the society which supported it came to the trial of strength with other conditions of civilization. Monopoly in cotton production was forced upon the slave States by the menacing revolution aimed at slavery. The free States, disappointed, by the action of South Carolina and the consequent failure of the American System, in securing a monopoly of manufactures for the supply of the commerce of the slave States, turned their attention with characteristic energy to another field of monopoly. Congress forbid the importation of Africans, with the full approbation of the South, and Congress in the Missouri "compromise," in land laws and naturalization laws, opened the mighty empire of the West to European colonization. Speculation in Western lands at once became a leading enterprise of the people of the North. New towns sprang up, new markets for new England goods opened, new borrowers of New England cash presented themselves, and fresh recruits to the New England Anti-Slavery Society flowed in from the cities and the farms of Germany. Monopoly of cotton production here and monopoly of land colonization there, clashed with fervor on the floors of Congress. In the strife was the opportunity of the Constitution. But the opportunity pointed out by Governor Hayne, to amend the Constitution to quiet the already assured collision of the sections, was not heeded. Each section began the work of self-preservation after its own methods. Sectional reconciliation on Constitutional grounds was the doctrine of State rights, and the doctrine did not harmonize with the land speculations of the West more than with the lost American System.

The village of Greenville sat at the foot of the Blue Ridge chain. A perfect climate and an enchanting landscape

attracted thither, in the summer months, some of the rich planters with their wives and daughters from the low country. In the distant perspective were the valleys of the Saluda, the Tyger, the Catawba, where the Scotch-Irish farmers lived, the McLemores, the McCoys, Roebucks, the father and mother of Andrew Jackson, Calhouns, Caldwells, and, intermingled with them, settlers of another blood, the Earles, Perrys, Hamptons, Butlers, Cunninghams. The village was the capital of the region where the social elements of the low country and the up country strangely intermingled — where the conflicting elements of property in slaves, dominating the former section, and small white proprietary farms, dominating the latter, were almost of equal strength. The district (county) of Greenville had sent four delegates to the nullification convention, all stout Union men, lead by the venerable and accomplished ex-Governor Middleton, whose chief support was the young lawyer, B. F. Perry. At the village was published the only newspaper organ, in all the up-country, of the Union men — *The Mountaineer*.

When W. L. Yancey entered the law office of Perry he rose at once upon the very crest of the great controversy the convention had sent forth to the people. There was no escape for him from the course he pursued. The lawyer and the political leader were identical in the land. The unsettled phase of nullification which the adjourned and dissolved convention had relegated to the polls was, a "test oath." In order to understand the political issue in South Carolina, in the general elections of 1834, at which we have arrived, it will be necessary to recur to one of the most exciting episodes of the work of the convention. That body prescribed a new oath of office, intended to enjoin allegiance to the State and obedience, only, to the Union. In order to have the benefit of the new oath, in support of the new position of the State, the admirably organized militia was disbanded by an Ordinance vacating the commissions of all its officers. Elections for new officers were then ordered. A large proportion of the original militia was composed of Union men, and, at the elections ordered by the convention, most of the old Union officers were re-elected. They refused the test oath and applied to the courts for the writ *mandamus* to compel the Adjutant-General to

deliver their commissions. The case was carried immediately to the Court of Appeals. The Union judges, Johnson and O'Neal, held the test oath to be unconstitutional, Harper, Nullifier, dissenting. The Nullifiers met in Charleston to denounce the Court. Preston, Wilson, Colcock, Hamilton and others addressed it. Meetings for the same purpose were held in various districts. The Governor was petitioned to convene the Legislature to impeach the Union judges. Nor did the press, on the nullification side, omit to attack the Union judges with great vehemence. A Columbia paper, published there while the court sat hearing appeal causes, from all parts of the State, addressed them: "When you walk the streets do you meet any expressions of kindness in the countenances of those you meet? They turn from you: you do not look at them. They look upon you as violators of the sacred trust reposed in you. They regard you as the tools of a foreign tyrant: as participators in a conspiracy against their liberties: as instruments of General Jackson: as stirrers up of sedition. They cannot see your Robes of Justice for the butcher knives and tomahawks your hands contain. Pray hasten away and give relief to the country. For what is there here to give you pleasure? There is not a man but that dreads and abhors you, save those, the desperate and profligate crew, your accomplices."

The Union men had already formed Washington Societies. To offset the effects of the Nullifiers' meetings and their practical disbandment of the militia, for the purpose of reorganization in their own interest, the Washington Societies organized on a military footing. Judge Huger, whose father had been a General in the revolutionary war, under Greene, was commander-in-chief: Robert Cunningham, whose father had been a royalist in that war, commanded the division in which was situated Greenville. Yancey was Captain of a troop of Greenville mounted men under his uncle, Cunningham. To evade the effect of the decision of the court, the Legislature prepared an amendment to the Constitution in the form of an oath of office which required all officers of the State "to be faithful and true allegiance bear to the State of South Carolina. \* \* To preserve, protect and defend the Constitution of this State and of the United States."

The first speech of Yancey's in the campaign, of which there remains any report, was an oration delivered at Lodi, Abbeville District, on the occasion of the celebration there of the anniversary of the Declaration of Independence. The address was an argument, suggested by the circumstances. The orator said the Nullifiers continually brought up one question: "Will you not fight for the land of your birth?" To this he would make answer: "Where liberty is, there is my country." If South Carolina became the advocate of anarchy he, for one, would not follow her lead. Looking around him, he saw men bent with age and marked with scars. Almost every one of this class was for the Union, and when he traced their history he found they were old soldiers of the war for liberty. Sires who had not hesitated or counted the costs in '76, graves of those who slept on King's Mountain and Cowpens, appealed to the generation now upon the scene of action to resist the machinations of the majority to undermine all government. A great feast was spread under the trees and at the conclusion toasts were called. When the name of the orator of the day was reached he rose and begged to read a sentiment which had just been handed to him by a lady, in lieu of anything less expressive which he might say for himself. The toast read was: "A Happy and Prosperous Existence to Our Federal Union: Union ladies wish and pray for its success; Union gentlemen should protect it and bring confusion to the counsels of its enemies." ["Music and cheers."]

On October 14, 1834, Mr. Alfred Huger, then a Unionist, being on a visit to Greenville, was offered the compliment of a public dinner in a grove near the Baptist Church. General Waddy Thompson, Nullifier, not understanding the character of the meeting, took the stand and began to speak. He was interrupted, but refused to desist. A vote was taken and eight hundred of the nine hundred present declared General Thompson should not speak. The community was greatly stirred up. Yancey, who was Secretary, wrote a letter for the *Mountaineer* describing the scene and defending his original report thereof, which had been attacked in the newspapers by General Thompson, the following being the concluding sentence: "I say here openly and fully, that it did not depend



upon Mr. Thompson's will or whim whether he remained a speaker on that stand. The voice of 800 indignant men roared and did morally compel him to retire. They would not hear him, and unless prudence, that 'better part of valor,' had actuated him, and he had retired, I, upon my own responsibility aver, that he would have been put down, physically."

But, two weeks before this meeting, a meeting of the Unionists had taken place in the Court House at Greenville. It was called "to take into consideration the measures to be pursued by them in regard to the Test Oath." Yancey was appointed Secretary. A committee of seven presented a lengthy pre-arranged report; Mr. Perry offered a resolution that, the name of the party be the "Union and Liberty Party," and upon this delivered a strong speech. The meeting was about to adjourn when the Secretary took the stand and began a speech. Few present had ever heard him. He had become twenty years old the month before. His height was medium, five feet ten inches, his figure slight. The clean shaven face, fair skin, dark blue eyes, light brown hair, self-poise and clear voice reminded those who had known his father of the strong resemblance of the son to him. The speech continued for an hour, without any notes to assist the orator, and in rapid, unchecked utterance. From the first melodious tones every eye was turned to him, and not a man left the house while the delivery proceeded. Probably there had been no counterpart to the scene since Alexander Hamilton, when two years younger than this orator, had visited a like surprise upon a public meeting of revolutionary patriots.

"Let us premise (said Mr. Yancey) that, in form, this oath is unobjectionable. It may, nevertheless, be applied to a hundred different purposes. To some of these, the Union men may object, with conscientious scruples. To others, we would cheerfully assent. In form of words, this oath is not materially different from the oath required in Georgia or any other State. It is the subject matter to which this oath binds us that we object. In this respect it is essentially different from that of Georgia or any other State. For there, thank God, the citizens are bound to no treasonable or anti-republican doctrines. There, freedom of conscience and of opinion is yet to be found. It is in this light, then, that we view it, and we



have great and insurmountable objections to having the doctrines of these Nullifiers crammed down our throats, whether we will or not. \* \* The sum and substance of this oath is, that allegiance is due by the citizen to the State and obedience only, an inferior duty, mind, is due to the United States."

The argument pointed out the practical disqualification of all Unionists to hold office in South Carolina by an oath which the Legislature construed in the manner described.

The election transpired, the vote of the State standing 22,742 for the amendment, or for the State Rights party, to 18,243 against the amendment, or for the Union and Liberty party — a gain of 1000 for the latter and a loss of 1000 to the former since the election of the convention two years before.

Immediately after the election, the proprietor of the *Mountaineer*, Mr. O. H. Wells, published a card in which he announced: "Next week Mr. William L. Yancey will become editor of this paper. I am satisfied that a large majority of its subscribers will be gratified that a gentleman of Mr. Yancey's acknowledged ability, firmness, talents and attachment to our glorious Union is to occupy that relation toward them." Five broad columns, twenty inches long to each of its four pages, describes the mechanical make-up of the leading newspaper of the up-country, with this youthful creator of public opinion at its head. The advertisements occupied a small part of its space, and these were in great proportion official notices of civil officers. There were advertised, too, "run away" slaves and lands of those who explained they would move "west," meaning the Gulf States. Subscribers were received for a year at \$3 — fifty cents extra if payment be delayed six months. The typography was perfect and the literature of enduring interest. No cuts appeared, save the universal figure at the head of notices of run away slaves — a negro fleeing, with a bundle of clothes on the end of a stick thrown across his shoulder.

While politics were so found in South Carolina, Virginia, as has been said, by resolutions of her Legislature, reiterated the resolutions of 1799, a large State Rights vote appeared in Georgia, and, in Alabama, Dixon H. Lewis lead a wing of the Democracy opposed to the Union policy advocated by William R. King. A Union victory in Louisiana was celebrated by a

great public dinner on Sunday, and the Albany (N. Y.) *Journal* in the name of the Whigs of the free States, protested against a Southern desecration of the Sabbath.

Governor Hayne's message to the Legislature at its opening session recalled the past agitation, rejoicing at its termination, reminded the body that the decision of the Court of Appeals, while pronouncing against the oath in the Military bill, had expressly declared an amendment to the State Constitution, incorporating the oath, would not be in conflict with the federal Constitution; and recommended "a convention of the States to reform the federal Constitution, to take fresh securities for liberty." The editor of the *Mountaineer* gave four columns of criticism to the message. Nullification as a remedy, he said, was a confessed failure since Governor Hayne demanded a new Constitution for the United States to accomplish what he and Mr. Calhoun had insisted Nullification was all sufficient to do. In the same issue appeared, in mockery, a "Solemn Proclamation of the Duke of Pendleton, Ruler in and over the said State of South Carolina; Greeting," in which he — Mr. Calhoun — announced his selection of "George McDuffie, my Governor in and over said State," to succeed his former appointment, Robert Y. Hayne, whose term was about to expire. A bill to define treason, introduced in the Legislature, provided in effect, that any convention or conference of citizens to "instigate" the establishment or protection of any form of government in South Carolina, save that allowed by the Legislature, would be crime. The editor of the *Mountaineer* attacked the bill with an elaborate article exposing its restriction upon the right of free speech as, for example, when the Union men should desire to assemble to support the United States.

Many memorials came to the Legislature from the Unionists against the formal adoption of the amendment. These were referred to the committee on Federal Relations. The committee made a report which was called a compromise. The committee declared the new oath "implies no compulsory conformity of opinion, but provides alone for fidelity of conduct on the part of an officer of the State while he continues in office." The editor of the *Mountaineer* discussed the "compromise" at great length. "We received a report (he said)

from Columbia that an honorable compromise had been entered into. Never were we more rejoiced. But the very letter of the alleged compromise has reached us to fill us with unfeigned mortification. \* \* We stand alone in our opinion on this subject. We have received letters from leaders of our party concerning the action of the Union party in the Legislature. It is with mingled emotions of deference and regret that we find ourself arrayed against those with whom we have long acted. Their talents command our admiration, their virtues our esteem. \* \* Having said this, we take leave of the subject, and will in the future look upon the past as a tale that is told." Mr. McDuffie delivered an inaugural address upon assuming the gubernatorial office, declaring he took the new oath well knowing it required his first allegiance to South Carolina.

The *Mountaineer* replied caustically to the comments of the Charleston *Mercury* on the prosperous condition of the State, following the triumph over General Jackson and the American System. The great planters of the low-country might be prosperous, it admitted, but to the north of a line drawn through Edgefield and Camden the spirit of discontent was hurrying thousands, with their tens of thousands of property, to the Gulf States.

The political opinions of Mr. Yancey in his non-age, if opinions he could be said to have matured, are only material to a consideration of his later career, in as far as they are observed to indicate the character of his mind. "Where liberty is there is my country," was the exclamation of his most noteworthy speech of the campaign of 1834. An inborn love of the heroic lead him to espouse the cause of General Jackson. In all this early activity, as orator and editor, he was frank, capable, ardent and brave, greatly attaching to him the first men of the land. In May, 1835, perfect peace having been restored to the State, he resigned the post of editor of the Greenville *Mountaineer*. Taking leave of the patrons of the paper, he wrote in its columns, immediately under the pictorial representation of the unfurled American flag:

"When each man, who thought with him, (the editor) began to consider what he could do to preserve unclipt and

untainted the liberties of himself as well as of his fellow-citizens — when each man began to feel that the storm originated by towering ambition and sustained by an undying, ungenerous revenge, was about to burst in all its fury upon those who dared to oppose it — when each began, too, to nerve himself for the contest almost hopeless, but still with the grim determination to abide the issue, be it for weal or woe — this present editor of the *Mountaineer* was induced, contrary to the dictates of private interests, to engage in his arduous and almost thankless undertaking.

“The storm, fearful as it was, has blown over, and the vessel of State, although yielding to the force of occasional ‘puffs’ and ‘cats’-paws,’ has nobly borne up against the wind, and now, thanks to an overruling Providence, and to the firmness and gallantry of a little band of Unionists who remained true to her in that hour of peril, she is sailing fairly, yet with becoming caution before the breeze. All signs, however, of the late tempest have not passed. Now and then the deep grumbings of distant thunder break upon the ear. The lulling wind becomes fitful and the sea is ruffled and rolls in heavy ground swells. These, however, are only the signs of the spent tempest — are only the sullen symptoms of a now powerless but malignant force.

“During the hour of danger and proscription he remained at his post, unflinchingly. In these more prosperous times, when peace and quietude are again visiting scenes, to which they have been long strangers, he may be permitted to retire into those walks of peaceful and quiet life, far more congenial to his feelings, and from which an imperious sense of duty alone caused him to diverge. Other and pressing duties of a private nature — duties due alike to kind friends as well as to himself — call upon him to resign the editorship of the *Greenville Mountaineer* into the hands from which he received it. In none, he is confident, could it be more safely reposed.

“To those who have sympathetically cheered and aided him in his duties — to those readers who have given to him their candid and generous attention — he now bids ADIEU!

“To such as style themselves his enemies (and circumstances have rendered them necessary appendages to an honest character in this State) he wishes some more profitable

employment, some more enviable feelings and that consolation which is to be reaped from such a circumstance. To such also, he bids ADIEU! But he still hopes that there are some who were enemies of the editor he shall cordially meet with, in private life, as friends of the man."

The egoism and lofty sense of duty: the pertinacity and defiance of adversity which this newspaper article discloses as marking the intellectual character of Yancey, upon the verge of his manhood, remained with him. His present voluntary retirement from public life was an indication, no less certain than remarkable, of his distaste for it; and thus early did the peculiar force of his later public services take root in repugnance to an official career.

Three days after arriving at his majority, August 13th, 1835, Mr. Yancey was married to Miss Sarah Caroline, fifth daughter of George Washington Earle, Esq., a wealthy planter of Greenville district. This gentleman seems to have descended from George Washington Earle and his wife Elizabeth Robinson, the former from the vicinity of Alexandria, Virginia, and the latter from Fredericksburg, the same State. The Earles were a proud and handsome race, exercising decided influence in the upper part of South Carolina. Immediately after his marriage Mr. Yancey settled with his wife upon a farm, inherited by her, where they owned about thirty-five slaves. Of all pursuits of life, agriculture was his choice and upon this he entered with ardor.

A view, however restricted, of the course of politics in the United States, in the several years of Mr. Yancey's retirement from an active part therein, will be useful to a correct understanding of his conduct in the great events of the future.

Of the three political leaders of the times, Clay, Calhoun and Adams, Adams came into the peace, established by the "compromise," far in advance of the others. Whatever Clay had lost, in the surrender of the American System, Adams gained in the opportunity thus offered to denounce the surrender to the manufacturers. Whatever Calhoun had gained in the tacit recognition of the Constitutional rights of slavery, Adams was ready to appropriate as the basis of his argument to the wage workers of the manufactories against the alleged rivalry of slaves with them in the benefits of the government.

On the evening of January 6th, 1832, nearly a year before **the** nullification convention met at Columbia, twelve men **emerged** from the heart of Boston to walk into the darkness **of** the suburbs together. Entering, together, a little dingy **negro** school house, in secrecy and in confessed peril from the **mob**, they organized the most autocratic voluntary association **of** men known to history — The New England Anti-Slavery **Society**. William Lloyd Garrison drew up the constitution, **but** so revolutionary were its provisions that, for the time **being**, two of the twelve present refused to sign it. When it **was** suggested that an expense be incurred, it was found that **not** one of the persons present was worth \$100. Several were **preachers** of the gospel. While the men walked together **toward** the lights of the city, Garrison harrangued them eloquently: "We have met (he said) under cover of darkness, in an ignoble way. We will be mocked, insulted and perhaps **our** lives may be put in jeopardy. But Faneuil Hall will yet **resound** with our doctrine, and we shall shake the nations with **its** proclamation." A month before this eventful meeting Mr. Adams had taken his seat in the lower House of Congress, as has been explained on a preceding page. He began at once a systematic attack upon slavery. The New England Anti-Slavery Society became his mouth piece. Auxiliary Societies were founded with great rapidity. The Misses Grimke, two maiden sisters, of Charleston, South Carolina, emancipated their slaves and, hastening to Boston, became the first female public lecturers known in America, in the cause of emancipation. Encouraged by Mr. Adams, a ceaseless flow of petitions were presented through him to Congress to abolish slavery. By this adroit device the Society, in every part of the country, received free advertising through the public printers and a free circulation of their enterprise through the mails under official frank. In less than three years from the meeting at the negro school house on the outskirts of Boston, the Society had opened a printing establishment at New York and the mails were going out into the South laden with inflammatory matter to be delivered to agents of the Society masquerading in that section at numerous places as school teachers, teachers of music, peddlers of seeds, orchard trees, laborers, etc. Wendell Phillips, the rich young orator, had joined the workers.

Theodore Parker, the wonderfully gifted pulpit exhorter, was attracting enormous Sunday audiences to hear slavery denounced and the Constitution derided as "a league with hell and a covenant with the devil." The agents, under the urgency of the Society, were exerting their best endeavors to incite insurrections simultaneously in all the region from the Mississippi to the Potomac. Long petitions to abolish slavery, long speeches in abuse of the South, continued to be published by the government and scattered by the mails as a part of the proceedings of the national Legislature.

Never has an American community been so united as were the people of South Carolina under the lead of Mr. Calhoun, after the year 1834, until his death, sixteen years later. There was, indeed, small room for factions or factionists in that State under its peculiar organism. The people elected members to the lower House of Congress, elected militia officers and elected members of the Legislature. The Legislature chose the Presidential electors, elected the Governor of the State, and all the constabulary, including Sheriffs and Clerks of all courts, elected the judiciary for life, from the highest Judge to the Justice of the Peace, and the Tax Assessors and Collectors. The lower House of the Legislature was composed of 124 members, apportioned half to taxation and half to population, so that it happened a member from the rich low-country represented only a few dozen planters and a member from the populous up-country represented thousands of small farmers. The Senate was composed of one member from each district, except Charleston, which had two Senators. The center of public thought was Mr. Calhoun. The Abolitionists continued to employ Webster and Clay, under various pretexts, to promote their ends. Calhoun proved a full match to both and the pride of the State rejoiced in him. The universality of his acceptance with his people is in nothing better proven than in the alacrity of public men, of the first standing, to advance him, as the following incidents attest: In 1832, Hayne resigned his seat in the Senate, where his prospects were most flattering, to allow Calhoun, who had resigned the vice-Presidency, to succeed to it. William C. Preston, who proved to be one of the most brilliant of American orators, early espoused the Nullification cause and was promoted to the Senate from the ranks



of the people. He remained in sympathy with Mr. Calhoun throughout the stormy time of the Van Buren Administration, which was supposed to reflect the views of Jackson in retirement. When, however, the Presidential election of 1840 approached, Preston returned to his hereditary Whig politics. Calhoun compelled him to resign.\* When Calhoun's term as Secretary of State, under Tyler, expired, in 1845, Daniel E. Huger, in the midst of a term in the Senate, resigned that Calhoun might be elected to take the seat. The retiring Senators were in each example an honor to the American Congress.

I give one other example of the facility with which the people of the slave States forgot the animosities of party rivalry in the presence of great problems of statesmanship. In six months after General Jackson retired from the Presidency, Governor Hayne, now President of the Louisville, Cincinnati and Charleston Railroad Company, repaired to Nashville to secure the consent of Tennessee to its charter. General Jackson heard of the visit and sent his Secretary, Mr. Donelson, to wait upon Hayne and request him to visit the "Hermitage" before he took his departure from the State. The invitation was accepted, and the author of the proclamation against nullification and the author of the reply spent the day in social amenities. When the parting hour arrived, no word had been spoken even in distant allusion to the recent conflict of the President and the Governor. The latter, in the act of proffering his hand in farewell, said: "General, it is more than probable we shall never meet again; the past circumstances that shook our friendship are by me forgotten." With difficulty Jackson rose from his seat, grasped the hand of his guest warmly, exclaiming: "I say in sincerity and pleasure, Governor Hayne, that in the great record of your country, which belongs to history, your name will stand conspicuous among her sons as a jurist, an orator, a counsellor, a sagacious and honest statesman. We stand now together as of old."

Mr. Yancey removed his family and his slaves to Alabama the year after his marriage, spent the winters there in the oversight of his cotton plantation, and returned with his family to spend the summers near Greenville, for the sake of

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\* I have this explanation from an intimate, personal friend of Senator Preston's who heard him in conversation make it.



health. It would be unnecessary to relate here, with particularity, a deplorable accident which befell him, save that, in the heat of political conflict in after years, bitter speech was made and much error was written of it. Early in September, 1838, he rode to the muster of a militia company, twelve miles from Greenville, where, after the military exercises, it was expected a debate would be held between General Waddy Thompson and Judge Joseph N. Whitner, candidates for the lower House of Congress. After the debate ended gentlemen, in coteries, standing on the ground, discussed the prospects of the candidates. Yancey's remark so displeased a youth of seventeen, a nephew of General Thompson, and a cousin of Mrs. Yancey, Elias Earle, that he replied in a rude speech, for which offence Yancey boxed his face. Elias returned the single blow with one or more strokes of his riding whip. Bystanders at once stopped the difficulty. Elias became pacified and Yancey then spoke to him kindly, advising him to tell his uncle what had been said, adding: "I did not intend to fight you, Elias, but only to chastise your impudence; I would rather give you 'Salvador' (a favorite saddle horse) than to have a personal difficulty with you." Dr. Robinson M. Earle, father of Elias, and uncle of Mrs. Yancey, several days after the occurrence, and after he had assured Yancey that if his son had "acted with spirit" in the affair he was content, attacked Yancey on the porch of a store at Greenville with a section of the handle of a grain cradle as a weapon. Yancey, at the outset, began to retreat, step by step, still facing his antagonist and warning him repeatedly, as if reluctant to defend himself by the use of the weapon he carried. His hat had been knocked off, his shirt bosom torn open and he had been forced to the extreme edge of the porch, some two or three feet above the ground. He then fired and mortally wounded his antagonist in the left side. Dr. Earle was six feet high, weighed two hundred pounds, and declared on the spot, "had Yancey not fired I would have easily whipped him." The case was put on trial at the term of the Circuit Court at Greenville. The jury brought in a verdict of manslaughter. During the seventeen consecutive hours in which the trial progressed the prisoner retained perfect repose, "neither elated when the evidence was in his favor

nor cast down when it appeared to go against him." The universal testimony was, that Yancey had never before been in any personal difficulty in Greenville; that he was uniformly polite and quiet; that he had a very high sense of personal honor; that he had not provoked the trouble with Dr. Earle; that the knife and bludgeon that Earle carried, when the attack was made, were in the hands of the deceased threateningly presented when the shot was fired from Yancey's pistol.

October 26, following, the prisoner was brought before the court, Josiah J. Evans presiding, for sentence. The Judge said the crowded state of the house indicated an unusual interest in the duty before him and he would depart from his ordinary rule of brevity in such cases to explain his mind. The prisoner's deportment, he said, "since the affray on the muster ground up to the moment of the difficulty with Dr. Earle, was such as was to be expected from one in his station of life. No one could believe that he had gone to that piazza with any hostile feeling towards Dr. Earle, or that he had carried there the pistol that was in his bosom for the purpose of shooting the unfortunate deceased. The court could impute to him no moral guilt. What happened there seemed to be entirely accidental, and to be attributed to the angry and excited deportment of Dr. Earle."

The Judge explained, farther, that Mr. Yancey seemed to have worn his pistol in Greenville because of habit, acquired in carrying it while passing through the Indian country of the West. "In consideration of this practice the Court had made up its judgment." The sentence was \$1,500 fine and twelve months imprisonment in jail.

Governor Patrick Noble remitted two-thirds of the fine and released the prisoner. Mr. Yancey then returned with his family to Alabama.\*

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\* My authority in the facts is the *Greenville Mountaineer* of November 9, 1838, giving a full report of the trial and the sentence of the Court.

## **CHAPTER 2.**

### Active Forces and Decisive Events.

1840.

Mr. Yancey came to Alabama to make agriculture the fixed avocation of his life. His estate in slaves was as great as planters, just arrived at manhood, usually possessed. One hundred bales of cotton was the anticipated yield from his capital and cotton was worth fifteen cents the pound. He was a good judge of live stock and entertained plans of wider direction than the production of cotton, only, in the use of his resources. "Twelve years of my life spent among New England farms were not thrown away," he said to a friend; "come and see what a Yankee I am around my cattle sheds." Hazlitt speaks of the military turn as essential to the orator — a disposition to overcome difficulties and an aptitude for details. It is sufficient to say of Mr. Yancey as an agriculturist, that he rose early, was singularly methodical in his management and was scrupulous in meeting his debts.

Mr. and Mrs. Yancey arrived in Dallas county in the winter of 1836-37 with their slaves. William E. Bird, his mother's brother, was the county judge, and Jesse Beene, a lawyer and member of the Legislature, who had married his mother's sister, resided on his estate, "Oakland," on the Alabama river, near Cahawba, the county seat. The time was unpropitious for the purchase of land. Prices were extravagant and prudent men saw the wave of prosperity, known as "flush times,"

had attained its possible height and soon must break. Mr. Yancey, accordingly, rented a plantation near "Oakland," and took up his abode upon it with his family, accompanied by Miss Earle, his wife's sister, who had come as her associate in a fresh country.

Cahawba, on the west bank of the Alabama, the abandoned capital of the State, was a village of a single hotel of long front and two stories, where planters and their families found shelter while awaiting an hour, a day or two days, a combined freight and passenger steamer to proceed on their journey. The remaining improvements were a court house, with lawyers' offices under the same roof, three bar rooms and a postoffice cut off from one end of a small store where weekly mails were received. Every passing steamer, however, brought letters in the pockets of passengers, and the officers left the latest newspapers. Cahawba, nevertheless, was rich in a certain commerce, and important as a place where many wealthy and refined ladies and gentlemen met. Dallas was the most populous of those twelve great wooded-prairie counties, stretching in unbroken line from the Chattahoochee to beyond the Tom Bigbee. The commerce of Alabama at this time was carried only by plantation wagons and boats, save that in the valley of the Tennessee one of the earliest of the railroads of America had been built, around the Mussel Shoals forty miles long, the cars drawn by mules. Hundreds of wagon loads of cotton bales, each drawn by six great mules, over roads cut through the towering cane, walling the impenetrable sides, came to Cahawba from twenty, thirty miles in the fall and winter harvest time. Tens of thousands of dollars in plantation and family supplies were loaded at the bluff, on the return trips of the wagons, but little for the general trade. The humble village bespoke environments unfavorable to the growth of towns. There was no traffic on its streets. The many teamsters brought no cash in their pockets. The valuable products of the plantations shipped thence, however equitably divided with producers, were held subject to another rule of division than the modern wage system. The cotton bales were consigned to factors at Mobile or New Orleans; the proceeds of sales did not return as cash. At Selma, a small village, ten miles above on the river, was the Real Estate and Banking

Company, which issued its own currency in exchange for planters' promissory notes. The planters, having shipped all the cotton of the year, went with their wives and daughters to Mobile or New Orleans to invest the proceeds in the factors' hands. As the planter was only a planter, the factor was a factor by right. Both classes were on the most amicable terms with each other. The broker was not a factor, and he would buy only from a factor. Factors and brokers were, for the most part, Northern men. So it came about, that the planter paid the factor two and one-half per cent commissions for selling to the broker, while the broker received from the distant manufacturer a fixed commission for his trouble. Both commissions, of factor and broker, came from the gross sales, besides numerous other charges, among them a sum amounting to half million a year called "lighterage," delivery of the cotton to vessels in the lower bay which could not cross the bar of the harbor. The planter, arrived in the city, made out a memorandum of his estimated year's wants to be placed in the factor's hands for purchase, and gave himself to the pleasures of society. The factor was assumed to possess certain personal prerequisites in perfecting trades which the planter was far from envying. Attached to the bills of purchase of iron, jeans, hats, sugar, etc., was the factor's second commission of two and one-half per cent to reward his tact. If the planter overdrew his crop, the factor stood ready to honor a draft at a third commission of two and one-half per cent for "acceptance," interest added. A protested draft of this character was unknown. To the extent of the surplus in the factor's hands, or the credit with the factor, the planter bought more land and sent for more slaves in the markets of Richmond and Washington city. To the extent of his surplus capital, the factor bought lands and slaves and employed overseers to manage his plantations, thus recommending himself to the society of planters as he could in no other way recommend himself. Nothing was so dear to this people as the Constitution and their social customs.

[— A rare and noble society was planted in the Canebrake region, tributary to Cahawba, in the early time. In low capacious houses, built of squared cedar logs, the walls papered, the floors carpeted, the wide hearth of native gray lime stone,

amplest flower beds on every side, lived graduates of Yale, of the University of Virginia, of the South Carolina college, and their wives and daughters "polished as the pillars of the temple." In all America, in town or country, no people sat down daily to more bounteous dinners, served by better servants, on richer mahogany; no people wore more fashionable clothes, rode better groomed horses of purer blood, wrote a purer vernacular, or spoke it in gentler tones. Nor were they a people without positive amusements, social surprises and excitements. As with the slave-holding Athenians, they read not many books. Oratory and conversation supplied the wholesome friction of minds. Attendance upon political debates, where no orator dared to deceive; where the best orators alone were tolerated; attendance upon the semi-annual sessions of courts of law and equity, the audience sitting for hours to hear advocates unfold evidence, and counsellors elaborate the principles of organized justice, were educational pleasures not inferior to the teachings from the porches of Athens. At Cahawba a government land sale was in progress on election day. Dixon H. Lewis was the candidate for Congress of the Democrats, and John Murphy of the Whigs. The government was selling the lands of the ejected red men. Indian removal was Jackson's policy, and all of Jackson's policies had both partisan friends and partisan foes. Excitement ran high. When Lewis opened the debate it was believed the votes were going against him. He spoke with vehemence. It was an August day, and the speaker's weight was not less than four hundred pounds; two countrymen advanced, and taking position on either side, fanned him with their broad brim hats. A young lawyer, lately elected to the Legislature, and not long out from Boston, Henry Goldthwaite, replied. Ezekiel Pickens and Dr Hogan joined in the discussion. Lewis returned to the stand, and now discussed a bill in Congress to repeal an act making it imperative in State courts to send to the Federal Supreme Court cases involving the constitutionality of federal legislation, taking the Southern or State Rights view. Goldthwaite rejoined with much earnestness, and, in the midst of his argument, Colonel Goldsby arose to propose that the speaker be called down, New England politics not being needed in Alabama. Deer, foxes





*Nathan Whitwell*







William 136. Centfield



interposing between the offence charged and the satisfaction to wounded honor demanded. Senator William R. King, a planter of Dallas, distinguished for the dignity and kindliness of his manners, being insulted by a citizen on the streets of Cahawba, drew the sword from his cane, presented it to the breast of the offender, and, in contempt, returned the weapon to its sheath. He refused a call to the field of honor on the plea of the challenger's personal unworthiness. The second who bore the challenge, as the code required, revived the call in his own name, but the vicarious antagonist, thinking better, declared there was nothing to battle for against so chivalrous a gentleman.

In the community of great plantations ultimately reposed the determining influence of Alabama politics. A very high moral as well as sentimental tone prevailed. There was no heart for revolution. National institutions have never been established in finer social sentiments than prevailed in this community.

"Flush times" enveloped the Southwest. No State was so rapidly populated by a wealthy immigration as Alabama. The roads leading out from Georgia were filled by white top wagons, followed by marching scores of black men, women and children. At the head of the procession rode Virginian or Carolinian, leading his inheritance of two centuries to fresh fields of the most important of modern industries. The State became quickly a land of homes. In the prairie belt lands, in the cane and forest, commanded thirty-five dollars the acre, to which must be added fifteen dollars the acre cost in labor of clearing the undergrowth. In the other of the two sections, most sought by slave master immigrants, the Valley of the Tennessee, the Indians had long kept the undergrowth down by spring burning. There it was supposed cotton flourished best, and lands in the wood commanded one hundred dollars an acre at public sales at Huntsville. Exposing a beautiful landscape, a generous soil, from which countless springs of pure water gushed, the wild deer's hoof dyed with the juice of the wild strawberry growing on every knoll, this valley was the most attractive situation of the whole Southwest.

But in 1837, soon after the arrival of Mr. and Mrs. Yancey in Alabama, the Bank of the United States failed, prostrating

industry everywhere. He added to the duties of conducting his plantation the editorial charge of two weekly newspapers, the *Cahawba Democrat* and the *Southern Democrat*, both published at Cahawba. Benjamin Cudworth Yancey was now Register in Chancery for a division of rich counties, with his office at Cahawba. In the spring of 1839 the brothers bought the *Wetumpka Commercial Advertiser* and the *Argus* and consolidated them. The junior of the firm took control. Wetumpka was a promising town of three thousand inhabitants, sitting on either side of the Coosa, at the head of navigation from Mobile. Already the chosen site of the penitentiary, the town had strong claims to the choice of the Legislature and the people, as the Capital of the State.

The weekly newspaper half century ago in the Southwest partook of the character of the present magazine. Its literature reflected the earnestness and culture of its patrons. The circulation of the *Argus* soon extended, under its new management, to the interior of the States of Georgia and Mississippi along the line of stage travel from Savannah to Jackson, and it was among the leading papers of its class in the plantation region of Alabama. The subscription price was \$4 per annum in advance, or \$5 if payment should be delayed ninety days. Charles Yancey, a writer of much merit, a Whig, a Virginian and doubtless a blood relative of the proprietors of the *Argus*, put up a rival paper, the *Times*, in West Wetumpka. An agreement was made between the publishers that both papers should print at one charge to advertisers all business notices offered to either. But Whigs and Democrats revolted. Individuals of neither party would tolerate the appearance, in an opposing journal, of their business patronage. Thereupon the *Argus*, of East Wetumpka, purchased the *Times*, of West Wetumpka.

E. White and William Hager, citizens of Wetumpka, advertised in the *Argus* to the printers of the United States their invention of "a machine for casting type," the first known, which they alleged would be sure to drive out "the English unhealthy plan, by hand, on account of its superiority."

A declaration of principles accompanied the announcement, that the *Argus* had purchased a new press and outfit. "It is a lamentable reflection (wrote the editor) that political

controversies of the present day are conducted with intemperance unsuited to conflicts of reason. \* \* Our columns shall be devoted to carrying the fundamental principles of Public Education into every cottage of the State."

W. L. Yancey, in order to avoid the expense of regular summer visits to Greenville, S. C., with his family, seeking to escape the malaria of fresh cleared forests about Cahawba, bought a tract of land, perhaps one hundred acres, at Harrowgate Spring, near Wetumpka, in Coosa county. While residing there in the summer of 1839 an accident occurred which proved the turning point in his career. Until now the life of an agriculturist and political leader, very consistent with each other in Alabama, when the individual, as in Mr. Yancey's case, had small ambition to hold office, opened before him. He studied the science of government as a philosopher. The Coosa county farm was to be his retreat, where green meadows and fine live stock were to be sources of profit, as well as a perennial delight. While in his summer home, for the first season, he was summoned to repair with all haste to his cotton plantation in Dallas county. A general poisoning of his slaves had been perpetrated. A vulgar feud, unknown to him, existed between his overseer and the overseer of a neighbor. Poison was deposited in a hillside spring from which Yancey's overseer habitually drank on his way from the fields. By chance the intended victim went, on the fatal day, another way, and, by chance, the slaves, passing by, paused to slake their thirst, unsuspecting of the deadly draught. Instantly all were prostrated in agony. The most skilled physicians were called. The master remained at the bedside of the afflicted. A large proportion of the number died; the remainder were disabled for labor for many months. The convalescents were sent to the Harrowgate Spring farm to be nursed. The crops of the year were necessarily abandoned; there was no wage labor available. All was lost; in the year following the great trouble at Greenville the master's fortune was swept away. His family and invalid slaves were to be supported entirely on his labor. He lost not a moment of time. In February, 1840, he removed his family to Wetumpka and assumed personal control of the *Argus*, pushing the business in every direction. He took down his law books, unopened for

six years, and few students studied so diligently as he. As fast as his stricken slaves recovered their accustomed strength he found good masters for them, either selling or hiring them out. In the columns of the *Argus* he offered a thoroughbred mare and colt, with certified pedigree, an extra fine harness horse, and some parlor furniture for sale. Five thousand dollars was due to him on account of the Cahawba *Democrat* circulation and the *Argus* business. This he took steps to collect. His friends urged him to take the benefit of the lately enacted bankrupt law. He refused. Judge Crawford conferred on him the office of Commissioner in Bankruptcy, which he accepted, proceeded with his law studies and the winding up of his agricultural affairs, paying his debts, dollar for dollar.

Such was the outlook with Mr. Yancey when the public voice called him into the memorable national campaign of 1840. Party organization began at an unusually early date. It was in November, 1839, that the Abolitionists met at Warsaw, New York, to lay down their ultimatum to the Northern Whigs. They demanded from the Whigs an avowed opponent of slavery, a man openly in favor of emancipation, as a candidate for the Presidency. As a pledge of their sincerity of demand they went through the formality of nominating, themselves, for the office, one James G. Birney, a native of Kentucky and once a lawyer residing at Huntsville, Alabama, notorious in his advocacy of Mr. Clay's scheme of African deportation, and his escape from Southern mobs. Mr. Adams' genius for arriving at political results revealed itself in the tactics of his party. The Northern Whigs responded with alacrity, betraying their anxiety over the threats of the Abolitionists. Thus time and place were fixed for the Whig National Convention in apprehension of the new political factor. In December, 1839, the convention met, and met as far to the West as was deemed expedient, Harrisburg, Pennsylvania, and amidst extraordinary excitement in all parts of the Union. The limit of time, ten years, allowed by Mr. Clay's "compromise" of 1833, for the extinction of his American System and the restoration of a tariff for revenue only, had been almost reached. The State of Pennsylvania had been "the strongest of the Democratic pillars." Its ocean commerce had been reflected in its local

politics and, therefore, it had been opposed to Mr. Clay and his American System. In 1839 the Governor, Ritner, was a pronounced Abolitionist, however, "a disgrace to the people," as Mr. James Buchanan, the leading Democrat, openly declared. Two causes operated to bring the Whig National Convention to meet at the capital of Pennsylvania, and both came of Northern influence. It was desired to bring to Ritner all the moral support against Buchanan which the selection of the place could be expected to offer, and it was desired to assist, to the same extent, the rising mining and manufacturing industries, of which Pittsburg was the commercial emporium, to enable them to contest with the commercial interests of Philadelphia for the political control of the State. Mr. Clay had journeyed slowly toward Canada, making speeches in Pennsylvania. He greatly desired the nomination for President. He wished to lead in a campaign before the people to restore his American System; he wanted a national bank and national revenues to pay off all State debts — a paternal government. Reverdy Johnson demanded a nomination by a majority of delegates present. Clay, Harrison and Scott were the candidates. Clay, already known to control a plurality of the individual delegates, was expected to be able to gain a large majority so soon as Scott could be dropped after the first few ballots. After much discussion it was decided that a committee of three from each State should, by a majority vote of the committee, recommend the nominee. The vote in this committee stood, Harrison 148 electoral votes, Clay 90, Scott 16. The vote, as between Harrison and Clay, was entirely sectional. Harrison's votes were from the free States and none from the slave States. Clay received no votes from the free States, except Rhode Island. New Jersey and Connecticut voted for Scott. The free States, on the issue of slavery, thus nominated the candidate. Mr. Adams triumphed over Mr. Clay.\* The New York *Emancipator*, the paper of Gerrit Smith, reviewing the result, said: "Well, the agony is over and Henry Clay is laid upon the shelf; and no man with ordinary intelligence can doubt or deny that it is the anti-slavery feeling of the North which has done it, in connection with his own ostentatious and infamous pro-slavery

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\*Account of Baltimore *Post*.



demonstrations in Congress. Praise be to God for an anti-slavery victory! A man of high talents, of great distinction, of boundless personal popularity, has been openly rejected for the Presidency of this great Republic on account of his devotion to slavery! Set up a monument of progress there! Let the glad winds tell the tale. Let foreign nations read it. Let McConnell hear it. Let the slaves know that a slave-holder is incapacitated for President of the United States. The reign of slavery is hastening to a close! The rejection of Henry Clay, taken in connection with the circumstances, is one of the heaviest blows the monster slavery has ever received in this country." The Boston *Liberator*, edited by the founder of the New England Anti-Slavery Society, William Lloyd Garrison, hearing the news, declared: "In the Harrisburg convention all the slave States went for Clay. Had it not been for Abolitionism, Henry Clay would undoubtedly be the Whig candidate for the Presidency."

The Southern Whigs were extremely disappointed at the defeat of Mr. Clay. They were far from sympathy with the revolutionary signs, of whose presence the Northern Whigs boasted. They heartily believed Mr. Clay's promotion to the Presidency would result in the increased safety of the Union, without disturbing the rights of the South. Under a feeling of chagrin, as well as apprehension of the effect of his defeat in the South, they brought forward a State Rights advocate of the most advanced views—he, who in the Senate, had denounced the Force Bill and the President's Proclamation—Mr. John Tyler, of Virginia, a slave master, for vice-President. A young orator from Alabama, Mr. Henry W. Hilliard, placed Mr. Tyler in nomination. The Whig ticket thus stood, Harrison and Tyler. The campaign immediately opened, the most bitter in American politics, in which the argument of the sections was most fairly stated and in whose ultimate issue there was destined to be no substantial reform achieved in future years.

May 5, 1840, the National Democratic Convention met at Baltimore. Long before that day Gen. Jackson had authorized statements to be made in his name, in newspapers at Washington and at Richmond, qualifying, even contradicting, the centralization declarations of his famous Proclamation against

South Carolina. In the farewell address, he said: "There have always been those among us who wished to enlarge the powers of the general government. \* \* Experience would indicate there is a tendency on the part of the government to overstep the bounds marked out for it by the Constitution. From the extent of the territory, its different interests, different pursuits and different habits of the people, it is too obvious for argument, that a single consolidated government would be wholly inadequate to watch over and protect its interests." Upon the general principle announced by the famous President, of four years before, the convention adopted a platform and nominated Mr. Van Buren to succeed himself. It failed to nominate a vice-Presidential candidate, but by resolution invited the States to agree, informally, upon one. Its resolutions denounced the Abolitionists as endangering "the stability and permanence of the Union."

The Harrison men were known by their own nomenclature, chosen by themselves, as "log-cabin-hard-cider,-coon-skin-men,"—a high demagogueism. The Democrats were styled, by their enemies, "loco-focos," in derision of their alleged explosive temper.

There was no room for doubt in the attitude of parties towards slavery. Neither the deportation scheme of Mr. Clay or the emancipation project of Mr. Adams could be executed, save in the decadence of the federal, or State Rights, theory of the government and the corresponding growth of the theory of nationalism. The more practical mind of Mr. Adams perceived that Mr. Clay's plan was visionary. Mr. Clay sought to obtain the assent of slave masters and slave States to a plan of final settlement of the slavery question and the race problem by the deportation of the negroes and, in this settlement, to establish conditions of unity of the empire. Mr. Adams pursued a far more vigorous way. He invited more petitions to Congress for the immediate abolition of slavery, more numerous signed, in language more insulting to the Southern members, from which incentive fresh and angry debate would flow to be laid by the morning newspapers as public news at the breakfast plates of the merchants of the Eastern cities who spurned with contumely the *Liberator* and the *Vindicator*. Thus Mr. Adams sought to accomplish the

unity of the empire. Slavery, with a time to live and a time to perish, as the history of the institution had been in all ages, asked for nothing, save the fulfillment of the terms of the Constitution, in the pledges of which it had been incorporated into the federal system. But the public mind in the slave States was an immovable obstruction to the theory of centralization, towards which the public mind in the free States moved rapidly. In the natural order of things, the several slave States, by means of the investment of the profit of agriculture in various industries where free labor was cheaper than slave, would, in all probability, have, one by one, abandoned slavery as a worn out economy. The Constitution left that right open to them, but the policies of the parties, lead by Mr. Clay and Mr. Adams, virtually forbid its exercise.

To force the South to battle for slavery was the issue presented by the North in its nomination of General William Henry Harrison, in 1840. The restoration of the American System and the revival of the bank of the United States were correlated propositions contended for. In all the States, in every county and every town of all the States, the campaign proceeded with the aid of the best orators and the best writers in lines of extreme vigor and unbridled virulence. Personal abuse was an inevitable ingredient of the highest argument, everywhere. Southern Whigs were taunted with the revolutionary character of their Northern allies, while Northern Democrats were paralyzed with the proof that their allies in the South were firm defenders of slavery and State rights. It was the first joined conflict of the forces of centralization with the forces of federalism, the former resident in the free States and the latter in the slave States. The Southern Whigs resolved to be blind and the Northern Whigs rejoiced in their blindness.

So soon as the nomination of Van Buren was proclaimed, Senators King and Clay, of Alabama, and Representatives Dixon H. Lewis, Reuben Chapman and David Hubbard prepared at Washington an "Address to the People of Alabama." Among other impassioned utterances, the address announced: "The Democratic State Convention of Ohio, and most of the Democratic Legislatures of the free States, have openly denounced Abolitionism. We challenge our opponents to show

when a Whig convention, a Whig Legislature, or any other Whig association, in a non slaveholding State, has uttered one sentiment of disapprobation of the Abolitionists and their incendiary schemes. \* \* In short, we believe the election of General Harrison would be the triumph of Northern federalism (meaning nationalism) bankism and abolitionism ; that it would bring into power a party whose ascendancy would be fatal to the rights and institutions of the South ; that it would be followed by a strong federal (national) government, a high protective tariff, a mammoth federal (national) bank, and by all the concomitants of federal (national) usurpation which must be subversive of the rights of the States and the liberties of the people." The language of the address was not comparatively extravagant ; its line of attack was the ordinary line followed by all Democratic orators and newspapers. The entire membership of Southern Democrats in Congress took up the work of enlightening their constituents, in a single address. "Is there an honest man in the South (they asked) who will not resist an unconstitutional proscription of the Abolitionists, backed by the Whigs, who declare that to be a slaveholder is to be disqualified for the Presidency ? Is there one among us who, by bowing his neck and giving his support to the Harrisburg nomination, will degrade his State, degrade the statesmen whom he delights to honor, degrade himself and make the Southern States and Southern statesmen not the equals the Constitution makes them, but the provinces, inferiors and vassals of the Northern States and Northern men ? Who is there among us, that with the hope of receiving minor offices at the hands of Abolition Presidents, will meanly sacrifice the dignity and honor, as well as the rights, and interests and safety of his State and its people ?"

The Republican-Democrats and the Federal-Whigs, as parties were known by their platforms, promptly organized, in Alabama, for the canvass. A Democratic State Convention was called, and the Whigs followed quickly with a similar call. The Democratic convention assembled at Tuscaloosa, the capital, and it was given out that no name should be offered for elector except a man, personally above reproach, pledged to canvass his allotted territory in person. The electoral ticket for Van Buren, with W. R. King for

vice-President, was made up with the following names: B. M. Lowe, of Madison, and John P. Frazier, of Jackson, for the State at large; for the Districts, Benjamin Reynolds, of Franklin, Benj. Fitzpatrick, of Autauga, Mathew F. Rainey, of Greene, John Murphy, of Clarke, and W. B. Hallett, of Mobile. The Whigs followed with their best men, and they were a full match in ability and experience on the stump to the Democrats: For the State at large, A. F. Hopkins, of Madison, and Nich Davis, of Limestone; for the Districts, Thomas Williams, Jr., of Tuscaloosa, Henry W. Hilliard, of Montgomery, H. I. Thornton, of Greene, and John Gayle, of Mobile. Among the incidents marking the progress of the campaign was a Democratic out door meeting, called at Mobile, to rejoice over some election news from New York, and presided over by Mr. W. B. Hallett, which was dispersed by the police under orders of a Whig Mayor, and the chairman put under arrest. Dixon H. Lewis, pursuing his customary habit of franking documents from Washington, alike to Whigs and Democrats, found many of the documents he had sent to Whigs of his District, returned, unopened, upon which he was required to pay return postage. A personal misunderstanding arose in joint debate between Mr. Fitzpatrick, of the Democratic ticket, and Mr. Hilliard, of the Whig ticket, which required the intervention of friends to quiet without a "meeting." In the Senate, Mr. Clay, of Kentucky, so offended Mr. King, of Alabama, by a slur upon the Democrats, that Mr. King promptly sent a challenge to Mr. Clay to the field of honor. The day following, Mr. Clay apologized in open Senate.

Mr. Yancey reached the age of twenty-six when the campaign of 1840 was at its height. He was the senior editor of the *Wetumpka Argus*, published weekly, on Wednesday, and of a campaign paper, the *Southern Crisis*, published weekly, from the same office, on Friday. It is not known that he had delivered a speech in public since he spoke at Greenville, South Carolina, six years before.

At the age of twenty-six years Demosthenes, Cicero, Patrick Henry, and John Randolph, first attained to fame. "I heard Mr. Yancey first in 1840 (wrote Chief Justice Stone, of Alabama, fifty years later), I thought then, and I yet think he

was the greatest orator I ever heard." To the people whom Yancey addressed, in the campaign of 1840, the equities of government and the sacredness of the public faith were the tests of patriotism. The resolving and combining processes of the public mind might go on in the homes of the people, but the debate on the stump was the soul of the party. In Alabama there was no lack of leisure to attend debates. Time so given was not reluctantly snatched from the rushing tide of commerce. The tasks of the happy blacks in the fields were uninterrupted when the master and his white overseer went to hear the speeches. The unlocked barns were of the harmonies of the estate. July 24, there was a barbecue and joint discussion at Jackson's Grove, Coosa county; the day following there was a barbecue and joint discussion at Scoggins, Autauga county. Yancey spoke at both places. A few days later the Democratic State Rights Club, of Wetumpka and the Tippecanoe Club, of the same place, appointed orators to debate at Nixburg, Coosa county. Yancey and Harris represented the former, but the latter imported its speakers from Montgomery. Yancey wrote many of the resolutions passed by the meetings he addressed. The Democrats of Wetumpka sent a delegation to the "Montgomery County Dinner." Among the volunteer toasts was one offered by Dr. J. H. Taylor: "W. L. and B. C. Yancey; The talented Democratic sons of a talented Democratic sire — truly a noble pair of brothers." A barbecue was next announced at Drake's Cross-roads, Autauga county, where Yancey and Hilliard would debate. From far and near the people sent fat mutton, beef, pork, poultry, to the barbecue pits. They came on horseback and in carriages, with their wives and daughters, even a day's journey. The postprandial ceremonies dissipated the asperities of the oratory; there was a string band to respond to the toasts; there were songs, foot races, leaping and horse races. There were no stenographers, and seldom were sketches of the debates printed, but there was a wide oral publication of the points made, and of the orators who best acquitted themselves. As the people turned their faces homeward, they talked politics, and to those living on the highway, who had been absent, they reviewed the events and sentiments of the day. "We are for temperance, moderation,

and the Constitution, and not for a log-cabin, a coon-skin, and a gourd," said the Van Buren men. To this, the Harrison men replied that, the White House had been supplied with gold spoons, at the public cost, by the President the Democrats proposed to re-elect.

The Whigs had held a protracted meeting at Macon, Georgia. Accounts of the great concourse and reports of their proceedings, "together with the stories of the strange banners they bore and their cry of change, change, change! which had been heard, in connection with these unaccountable insignia, had awakened amidst the hard-handed, bread-making Van Buren men, a sense of the danger threatening the institutions, under which the people of this happy land have flourished for more than half a century." It was, therefore, determined to hold a Van Buren barbecue of a week's duration at Indian Springs, to which "the whole people of all Georgia" should be invited. It was announced from Milledgeville, the capital, as early as July 4, that the Indian Springs barbecue had been determined on, and that it would be opened Monday, September 2. For several days in advance of the time named the village was full of visitors. Every house overflowed. By Saturday long wagon trains, loaded with commissary supplies and tents, began to arrive from distant counties. Yancey, S. W. Harris, and Steiner, invited orators from Alabama, appeared. Cuthbert, Lumpkin, Seaborn Jones, Mark A. Cooper, Walter T. Colquitt, Lamar, Campbell, O'Keif and scores of others of great local fame, from Georgia, were on hand. By Wednesday the multitude had grown so great the eye could not measure its expanse. The hills were covered with tents, the roads crowded with horses and vehicles, the valleys resounded with music and eloquence. "All were filled with one feeling, victory was on every tongue." Tellers were posted to count the people, but at the number of six thousand they ceased their task in despair, for not half had been enumerated. Ten thousand pounds of meats were served at every meal. Major Darden was chief Marshal, and, under his direction, with every five hundred ladies at one set of dinner tables a few Revolutionary soldiers were intermingled. There was oratory night and day. "Messrs. Steiner and Harris, of Alabama, held forth and fairly lit up the flame of intellectual



development which formed the business and pleasure of the meeting. In the evening, Mr. Yancey, of the same State, delivered a very able and eloquent address to a vast concourse of hearers. Two of these gentlemen, Messrs. Harris and Yancey, are native Georgians. They were thrice welcome. Georgia has reason to be proud of such sons. They are yet very young, but show to best advantage the talents and spirit of the South.”\*

The Alabama Legislature Assembled November 2, while the great national contest was yet undecided. It was toward midnight of the 17th that the four-horse stage coach bearing the mail from the North rolled up to the tavern. The news was soon dispersed through the town: “Harrison is elected!” There was no more rest for the night. Glasses clicked around Whig sideboards; bunting was made ready to be run up from Whig house tops at the earliest ray of dawn. A cannon was planted on the Warrior, near the capitol, and at break of day it belched forth honor to the Whig victory. Grum and silent, the Democrats resumed their seats in the Legislature. In the Senate, Mr. Phillips, Whig, of Dallas, moved that the Whig members of the General Assembly be allowed to illuminate the capitol that night at their own expense. The resolution was read from the Secretary’s desk. Mr. Hall, from Autauga and Coosa, asked to be informed what event it was proposed to honor by a private illumination of the capitol. A Democrat said he knew of no occasion, of recent occurrence, calling for an illumination of the capitol and the resolution had named none. Mr. King said it was to celebrate the election of General William Henry Harrison to the Presidency of the United States. Mr. Felix G. McConnell said if permission should be granted on the resolution, the next step would be to place a watch over the illuminators. They had deceived the people already. It was promised that the expense should fall on those who undertook the work. He would have it understood in advance that they should be required to pay their bills in gold and silver, and not in fraudulent bank paper. He would demand that the bonfires be made of shin-plasters, log cabins, hard cider, coon skins and such other evidences of Whiggery as were abroad in the land.

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\* Milledgeville Federal Union.



A Whig replied, that time after time the Governor of Alabama had illuminated the capitol at the public cost to celebrate the election of a President. Mr. Terry objected to the resolution. The people of Alabama had nothing now to rejoice in, as had been their good fortune in all previous elections of Presidents. He had been disturbed by unusual noises on the street all the morning, and had been jostled on his way to his seat by excited crowds. He hoped quiet would be restored without farther mortifying scenes at the capital of the State. Mr. McConnell moved to lay the resolution on the table, and this was carried 19 to 10. After the lapse of an hour Mr. Reese, of Chambers, moved to take up Mr. Phillips resolution and this was voted down, 21 to 8, and the Senate adjourned.

There was something of revenge left to the Democrats of Alabama, at least. Van Buren had carried the State. Harrison had carried Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Indiana and Michigan, of the free States; of the slave States, Delaware, Maryland, North Carolina, Georgia, Mississippi, Louisiana, Tennessee and Kentucky. Harrison received 234 electoral votes to 60 for Van Buren. Harrison received 1,275,017 popular votes, Van Buren 1,128,702, and Birney 7,059 with no electoral vote.

The vote for the Whig candidate received no little strength from a division of the Democrats on the monetary and financial measures of Mr. Van Buren's administration, which it had inherited from the bold action of General Jackson when in the Presidency. The failure of the Bank of the United States, in Van Buren's term, was attributed by thousands of citizens, of the Democratic party, to the refusal of President Jackson to execute the law creating that institution as a depository of government monies. The friends of Jackson urged, that he, having discovered the flagrant corruption of the bank, only changed the place of deposit of government monies on the eve of its utter prostration. Mr. Calhoun took the side of the Whigs in their issue with the President, on what was called the "removal" of the deposits, and this conduct of his, together with his open enmity to Van Buren, of long standing,

was supposed to have contributed to General Harrison's sweeping victory.

The Democratic Governor, Arthur P. Bagby, lead the Democratic Legislature to avenge itself on the Whig national victory. Two of the Congress Districts were Whig as has been explained. In order that the Democratic party in Congress might be increased two members from Alabama the Governor recommended that the Districts be abolished and the delegation to the Lower House be chosen on a general ticket. He said: "The general ticket is believed to be not only defensible on principle, but perfectly equitable in practice. It gives a majority of the whole people of the State, at all times, whatever may be their political opinions, the entire, undivided weight of the whole representation in Congress. Whereas the District system not only tends to engender an attachment to local or sectional interests, at the expense of the whole, and, sometimes, to nurture a factious spirit, but to weaken the force of the State representation, and sometimes to paralyze it altogether in the national Legislature." Six States of the Union, under different pretexts, chose their Representatives on the general ticket plan, at this date. The Senate referred the radical advice of the Governor to a select committee, composed of one-third of its membership, which reported favorably. All the Democrats of the body, save Mr. McVay, of Wilcox, supported the report. Late in December the Senate bill, to make safe against "factious temper" in the politics of Alabama, came up in the House. The Whigs had a strong minority in that branch, trained parliamentarians of ability and courage. They foresaw defeat, but they entered the contest with unrelaxed determination to speak for their rights. When called they voted, or refrained to vote, by concert among themselves. The sergeant-at-arms was dispatched to bring into the hall two Whigs, reported abed at their hotel, ill, for they were needed to make a quorum in the pre-arranged absence of other Whigs. At another stage of the proceedings, all the Whigs rose in a body and retired from the hall. Mr. James E. Saunders, of Lawrence, now addressed the House. He said: "If the tax-paying counties of the South, these Whig owners of great numbers of slaves should ever be disturbed in the peaceable enjoyment of their possessions,

either by invasion of a foreign foe, or by internal commotion, let them not turn their eyes to the North for aid. The general ticket would save the State from federal bribes. It was the policy of the Whigs, from the time of Hamilton, to keep the States out of view and talk about local or District interests, manufactures, commerce, etc. He would ask the House if local rights or local interests were the true Republican doctrine as against State rights and State interests." After days of wrangling the previous question was called, amidst great excitement. The gallery and lobbies were crowded by citizens. The uproar was so great that the Mayor of the city came upon the floor and offered the services of the city police to maintain order. The Whig minority presented a protest against the passage of the bill, denouncing it as "tyranny," and making specific charges of partisan rulings against the Democratic Speaker of the House. The Speaker filed a reply, charging the protestants with "calumny."

Mr. Yancey was in attendance upon the State Democratic Convention, at Tuscaloosa, while the general ticket was under discussion, as a delegate from Coosa. He assisted to nominate Benjamin Fitzpatrick for Governor and endorsed the course of his party on all questions before the General Assembly.

The editor of the *Argus* did not neglect unduly his regular occupation during his voluntary canvass for Van Buren. He wrote voluminously for both of his papers. His brother retired from the newspaper copartnership, in the midst of the campaign, to devote his time to the law practice. Left alone, the sole editor proposed even an enlarged newspaper enterprise. No Press Association had ever been formed in Alabama. The Wetumpka *Argus* now called upon editors throughout the State to organize "to protect the editorial corps against loss and imposition." In the heat of the campaign the *Argus* published the prospectus of the first agricultural journal ever proposed in Alabama, to be called the *Alabama Planter*. It was to be the individual enterprise of the editor of the *Argus*, to be issued twice a month, terms \$3 a year, in advance, and \$5 if payment be delayed beyond three months. "It has been remarked (said the prospectus) that the prosperity of a country is to be measured by the number and

circulation of its agricultural publications. Is it not true that ignorance and obstinate prejudices have been dispelled only by the light of science, and that plenty and prosperity have thus alone been made to succeed penury and want? Why? The interests of farmers demand such publications; the interests of merchants demand their circulation. When agriculture flourishes commerce revives."

## CHAPTER 3.

# Yancey a Legislator.

1841-1844.

A memorable incident of the times was a speech delivered at Montgomery, May 8, 1841, by John C. Calhoun. The people exacted a promise from the statesman, as he passed through the town a few weeks before on his journey to a cotton plantation in Marengo county, owned by him in association with his son, resident there, A. P. Calhoun. The freedom of society in the slave States was illustrated by an experience of Mr. Calhoun in progress through Alabama. He alighted from the Columbus, Georgia, stage coach at the Montgomery Hall, an excellent hostlery, where passengers from New York to New Orleans awaited the uncertain departure of steamers down the Alabama river. It was the habitual evening amusement of a planter residing in the town of Montgomery, a pronounced Unionist, to repair to the hotel parlors to discuss politics with the travelers so disposed. With sagacity, drawn from long experience in making choice of a companion, *tete-a-tete*, he made advances to Mr. Calhoun, unsuspecting of the importance of his selection. In the ordinary preliminary parleying, the planter discovered the traveler was from South Carolina, and his occupation a farmer. Supported by his general knowledge that Pendleton District, where this farmer lived, was in the Union section of the State, the Unionist entered upon an animated denunciation of Nullifiers and their leader. The attention of the company in the room had not been attracted

to the two men thus far, nor did any one present seem to know either. After the explosive sentiments of his self-constituted interviewer had spent themselves, Mr. Calhoun began to explain what he understood to be the merits of the politics of South Carolina. Very soon he became the centre of general attention, the persons in the room coming near and standing intensely interested. Calhoun's voice was not strong, but was well trained and was pleasant to hear. His manner was enthusiastic, but never boisterous. The astonished planter had become silent and absorbed in what he heard when another gentleman of the city coming in recognized the speaker, made his way to him, grasped his hand calling aloud his name. The planter, yielding to his own confusion at the discovery, threw his weight heavily on the back of his chair, which giving way, both man and seat rolled upon the floor. Mr. Calhoun, standing erect, amidst the laughter of the company, exclaimed: "Now, sir, you confess you are floored!" Passing on to the "Tulip Hill" plantation he spent the weeks of his visit marking off ditch and fence lines and in making other practical suggestions on farm work. He rose with the dawn, walked to the fields with a fowling piece on his shoulder, and gave evidence of his good marksmanship by returning, ordinarily, with some game for the table. Four years later he came again to "Tulip Hill," *en route* to preside over the convention of the Mississippi valley States, North and South, assembled at Memphis, for the purpose of petitioning Congress to improve the river. On that occasion the citizens of McKinley, twenty miles distant, sent a young lawyer, W. B. Modawell, bearing, their invitation to the distinguished visitor. At the door Modawell remarked on the personal re-introduction he desired to Mr. Calhoun, not having fallen into his company for four years, and then only in a casual way. He was assured that one introduction was sufficient for a lifetime with Mr. Calhoun, who rose promptly from his seat as the young man entered, shook his hand, called his name, and reminded him of the place of their former meeting.

A crowded audience of ladies and gentlemen listened to Mr. Calhoun's speech at Montgomery. The orator said he had found the people of Alabama industrious and enterprising, but not as prosperous as they had the right to be. They were

in debt, and while various relief measures were proposed to escape from this condition, indeed a burdensome load upon them, the only profitable escape from debt was to pay out. The means of payment was in the production of the soil. Producers of crops, therefore, were deeply interested in the relation of government to their industry. The States of Alabama and Mississippi contained one million people. This was one-sixteenth part of the population of the United States. The total exports of home-raised articles from all the States was not much over one hundred millions. The joint exports of Alabama and Mississippi was forty-five millions and, therefore, nearly half of the whole, instead of one-sixteenth of the whole, as an even proportion of exports to population would require. Under these circumstances, it was an anomalous state of affairs to see Alabama and Mississippi borrowers of money from other States far below them in marketable productions. Why should these States not be lenders of their surplus products rather than borrowers? The exports of these two States were on the market for gold, the civilized world over. A very different condition of affairs might be seen in the case of Cuba, hard by their shores and with like institutions. Cuba only exported seventeen millions a year, the amount paid to the government out of this was nine millions, the area of Cuba was about the combined area of Alabama and Mississippi, Cuba supported a market city of one hundred thousand population but neither of the two States named had a city of much over five thousand population. A different rule of collecting and disbursing taxes prevailed in Cuba, and the Island was exceedingly flourishing even under an enormous tax assessed and collected. The depression in Alabama and Mississippi was the result of the fiscal action of the federal government. The government of the United States undertook, by the tariff of 1828, then about to expire, to "protect home industry." What a misnomer! Of all people the farmers and the planters were most engaged in "home industry." Not only did their industry yield a greater volume of commerce than the industry of any other class, while employing a greater number of individuals, but it was pursued on the land owned by those engaged in it, where they slept at night and eat their meals day after

day. The tariff was made to protect a smaller number of people, many of whom had no homes, at the expense of the masses, domiciled on their landlords' possessions. Under the tariff of 1828, the imports of the country were about \$64,000,000. This amount of imports paid into the treasury about \$31,000,000. The question then arose, upon what were the imports or exchange based? They were undoubtedly based upon the exports. It might be said that the revenues from imports initiated in the cotton, rice and tobacco sent out. When the revenues came to be disbursed, only four millions reached the States producing the cotton, rice and tobacco upon which the imports were based, to twenty-seven millions for the protected States. An active cause of depression and debt was, the control of the finances of the South by Wall street and Chestnut street. The paper currency gave to banks an enormous power over property. For example, if foreign exchange is against us to the amount of ten millions, the specie in our business would be reduced that amount, and if in our favor, the specie in our business would be increased the same amount. On the other hand, if our currency be paper, with three dollars in circulation to one held in specie, the balance in foreign exchange against us would be thirty millions in the case supposed, or for us thirty millions, making a fluctuation of sixty millions. The banks, having the power to regulate fluctuation, bought and sold exchange to suit their own convenience. The politicians who lived upon the banks aimed at high taxes, liberal disbursements and a monied aristocracy. The masses would tire and sicken of the whirlwind of ceaseless excitement which the politicians kept up, in which their industry is absorbed and their rights trampled upon. The motto of the South should be: "Let us alone." The ceaseless struggle with tariff and bank, where neither is wanted, would weary the people with the defence of their liberties.

Neither Democrats or Whigs held a formal convention in Coosa County, in 1841, to nominate a candidate for the Lower House of the Legislature. Mr. Yancey was pressed in various ways for eight months to announce his candidature. Early in April he wrote a letter consenting. No other Democrat



announced. Four Whigs declared themselves in opposition to him —“a perfect avalanche of Whiggery to overwhelm one poor Democrat,” as the editor of the *Argus* wrote. Yancey’s letter of announcement was full. He would demand bank reform and internal improvements, by the State to extent of its ability; he would favor a penitentiary to enable reforms in the penal code, abolishing the whipping post and branding iron, for it was “the frequency with which crime is visited with punishment, and not the severity, which is best calculated to deter its commission;” he knew “the prejudices with which one has to contend who enlists in the cause of public education” but he would pledge himself to labor for that cause “until the means of acquiring this right was within the reach of every child in this State.” “With the vigor of youth and native powers (the letter concluded) this county is a portion of a great and growing quarter of the State, where hordes of savages have hitherto prevented more rapid development. Their removal has been followed by a worse scourge, the late commercial prostration. If aided by judicious legislation and a watchful delegation in the Legislature, it is destined to become what its natural advantages well suit it for, the most desirable portion of the State.” Three months later the Whigs and malcontents among the Democrats sought to reorganize the people against the election day. A “bank meeting” was called in Yancey’s absence from the State. When the adjourned meeting convened he was in attendance. A Whig presided, W. S. Kyle, one of the four who contested his election. Strong resolutions against bank corruption were offered, to which was added a short resolution calling upon bank reformers, regardless of party affinities, to meet at Rockford, now that election day was near, to nominate a candidate for the Legislature. Yancey, sitting near the presiding officer, rose at this. “I regret (he said) exceedingly the introduction of this paper. I consider it selfish and incendiary, and calculated only to destroy the harmony with which all should act upon the important question before us. I deem it to be but another intrigue, sheltered under the cloak of public indignation against bank frauds, brought to bear upon political questions for selfish ends.” This was the first meeting ever called to put Yancey down. It was not the last, but, in the

years that followed, all that he attended in person fared the fate of this one. At the close of his invective he moved to lay the resolutions on the table, "which was done almost unanimously."

Yancey was triumphantly elected. He received more than twice the combined votes cast for the opposition candidates.

President Harrison died, exhausted, in his old age, by a single month's importunities of the office seekers. Mr. Clay had been extremely excited at the news of his defeat at Harrisburg (*Wise's Seven Decades*), and now contributed nothing to the alleviation of the difficulties of his successful rival. General Harrison wrote to their mutual friend, Brent: "I have received only ungenerous treatment, in requital for years of devoted service," from Mr. Clay. Before his death, the President had called an extra session of Congress. The Alabama Legislature was called in extra session to order an election for Representatives to Congress, for the terms of all had expired March 4th, whereas none would be chosen, in regular order, until August following. The extra session of the Legislature passed a bill to allow the people to vote "Districts," or, "General Ticket," at the August election. The special election in May was conducted on the General Ticket plan. Reuben Chapman leading, the entire Democratic ticket was chosen, but the vote was so light as to indicate the popular displeasure at the abolishment of the Districts. "Districts" prevailed, by a large majority, at the August election, and the old system was restored at once. At that time, Georgia, Alabama, Mississippi and Missouri, of the slave States, maintained the General Ticket, with Connecticut, New Hampshire and New Jersey of the free States.

The course of Mr. Yancey in the Legislature attracted attention throughout the State. He was looked upon as a young man of extraordinary force by discerning persons who met him on the floor or in social intercourse. Nearly half century later a distinguished citizen of Alabama declared to me, with enthusiasm, his reminiscences. "I met Mr. Yancey (he said) for the first time when I had ridden forty miles to Tuscaloosa to buy my wedding clothes. I saw him in his seat and in general company. I cannot describe the impression he made on my mind, but it is yet fresh. I have met many men, called

great, in a long life. None ever excited in me the lively personal interest that Mr. Yancey did. I say confidently, he was the most fascinating man I ever knew." A lady, eminent in the society of many places in the Union, wrote to me: "Mr. Yancey, then a young member of the Legislature, was introduced to me at a ball which celebrated my debut at hallowed old Tuscaloosa. His gallantry was so distinguished and the freshness of his wit so captivating that all others seemed stale in comparison. I was spoilt for the evening. The next morning I received from him some lines addressed, 'To the Lady with the White Plume.' The very mention of the name revives in my bosom memories like to the exiled child of Erin comes the echo of the harp of Tara's Hall." The letter of United States Senator C. C. Clay, resigning his seat, was sent by Governor Fitzpatrick to the House, accompanied by a special message recommending its sentiments. The Senator wrote in censorious words of the course of the Whigs in the Senate. They were allies of the Abolitionists, he alleged, voting to confirm the many appointments of prominent Abolitionists by President Harrison. "The people will find (the letter insisted) nominations of Abolitionists, of the most obnoxious character, confirmed by votes of Southern Whigs, while every Northern Democrat, in his place, voted against them." A motion was made to print one thousand copies of the Senator's letter. At this the Whigs rose indignant. The Senator resigning should not have written a formal public document in such temper; the Governor exceeded his authority in recommending a vindictive letter to the Legislature; the Legislature had no right to print it with the people's funds. Charles McLemore, of Chambers, "his nature lofty and his gifts brilliant," stood up to speak for the Whigs. The accusations of the letter were "foul, false and slanderous," he said. His protest was earnestly applauded by his party. Yancey had never addressed the House. Few members had ever heard him. As Mr. McLemore, pale in anger, resumed his seat, there was no movement perceptible on the Democratic side to reply. Yancey rose, slowly, indicating in his manner his readiness to give way to any other member on his side of the House. His speech was reported by the letters of members in all parts of the State. It was a great surprise to the Whigs

and a great triumph for the Democrats. Its invective established a reputation for him in Alabama which was never lost.

Governor Fitzpatrick had been elected as "a man who never owed a bank a cent, nor held a bank office." Yancey, too, had been elected as a bank reformer. A printed bill was placed on members desks creating a committee to investigate bank affairs, with power to compel the attendance of witnesses. Mr. Yancey spoke to the bill, and this speech, at the outset of his official career, laid down the rules of conscience which continued to govern his public services, in the future, and announced the one cardinal principle in politics upon which his fame was, in the future, erected. Rising to address the Speaker, he averred that his hopes had been excited by a cursory examination of the bill, as it was laid upon his desk the evening before, and he had retired to his apartments with the expectation of voting for it. But, returning to his seat in the morning, he became oppressed with disappointment and regret. Upon closer examination he would vote against it.

"In the first place (he said) the bill creates an extraordinary court, whose offices would conflict with many provisions of the State Constitution. \* \* The fourteenth section of our Declaration of Rights declares that all courts shall be open. This bill provides for a violation of that section by empowering a committee of judicial powers, in effect, to sit with closed doors. \* \* The committee is allowed to meet when and where it pleases, to re-assemble on adjournment at any time and place, without previous notice. In fact, this body of men is made, as far as frail humanity will admit, omnipresent and omniscient. \* \* Am I not then authorized to assert that the bill delegates powers which it has cost years of civil war, many a political revolution and thousands and hundreds of thousands of human lives to snatch from the hands of the despot, to be vested as inalienable rights in the persons of the community? \* \* The gentleman from Montgomery (Mr. Hutchinson) tells you he is unable to perceive the similarity between the powers conferred by this bill and those exercised by the Star Chamber and Courts of High Commission in England. Let us compare them and see if his conception be clear in this matter. Hume informs us the English Courts possessed discretionary authority as to

imprisonment. The third section of this bill confers power of imprisonment for not 'less' than three months! The only check upon the power of punishment conferred by the bill is in the leniency of the committee. A single member of the English Courts could issue a warrant of arrest; so can the committee here contemplated. In both cases members are the sole judges of what shall constitute contempt. In both cases judges could proceed on suspicion, heresay testimony or doubt; in both cases judges have power to administer oaths, under which persons brought before them are bound to answer all questions propounded to them. \* \* Sustained by the high esteem in which I hold most of the members of the committee upon whom it is proposed to confer these perilous powers, I might consent to commit my personal liberty to their keeping. But, sir, I cannot heedlessly or with deliberation risk, in the slightest degree, beyond the pale of the Constitution the rights of the people which I am sent here to protect. \* \* I am willing to yield much to the spirit of the hour and to clothe this committee with great powers. I will go far in this matter — not as far as the farthest, it is true — but as far as the limits prescribed by that Constitution — ever more sacred in my eyes than a mere expediency can be — will permit. There must I pause. \* \* I have not yet found myself in that passion for reform which stands ready to barter right for gold. No, sir. Better far, in my estimation, that your banks in ruins shall cover the earth, than that you should erect for their preservation an institution founded upon the broken fragments of your Constitution."

June 15, 1842, the new law firm of Harris & Yancey was announced. Sampson W. Harris, the senior, was a remarkable man. A son of the eminent jurist of Georgia, Judge Stephen W. Harris, he was first honor man at college, chivalrous, polished, and an extraordinary orator. He had come to Wetumpka, a young lawyer, two or three years before Yancey came. The firm was strong in every requisite of the bar, except experience. A wide and lucrative practice quickly came to it. In the spring Yancey had leased the *Argus* to J. W. Warren; and, when the lease of one year expired, sold it to Warren and McAlpin. Blanton McAlpin, the junior partner and the editor, had been Mayor of Mobile and long a member

of the Legislature. He was an intense partisan Democrat. In publishing his valedictory, Mr. Yancey wrote: "In the eight years of my connection with newspapers I may have unwittingly injured the feelings of many and have borne too harshly upon the characters of others. If so, I regret it. Feelings of resentment towards all those with whom the duties of my station may have brought me in conflict, amidst the scenes of great political excitement, have been effaced from my own mind and I leave it with unkind feelings towards no one." He then proceeded to say, that "to maintain a respectable paper at a cheap, yet fair price, advance payments are absolutely necessary," and he would leave with his former readers those parting words. The salutatory of the new editor declared the Whig party to be "now developing their dangerous principles attempting to subvert the most conservative and Republican principles of the Constitution" and the *Argus*, if supported, would strive to counteract their influence.

In the general election of 1842, Mr. Yancey was not a candidate. He was too busy with the work of mending his private fortune to accept the nomination tendered by the people of his county. He moved to West Wetumpka and became a citizen, therefore, of Autauga county.

Returning from the circuit of his courts, in the spring of 1843, Mr. Yancey found a letter numerously signed, by citizens of Autauga county, soliciting him to stand for the Senate from the District composed of the two counties of Coosa and Autauga. He first ascertained, before making answer, that Mr. William W. Morris, the Senator in office would not stand for re-election. He then wrote an open letter saying he did not desire office and that he had at one time resolved to refuse to stand for the Senate. The Constitution of the State required, however, that a census should be taken every six years on account of the rapidity of immigration, and especially to the Indian country, as it was called. Upon the State census an apportionment of representation in the Legislature was to be made, in 1843-4, by law. A party had risen up to demand the enumeration of negroes, slave or free, for apportionment. Yancey would oppose any apportionment for representation, save on the basis of whites only. In order to establish the white basis, so far as his influence would assist to that end, he

consented to stand for the Senate. The question of "white" or "mixed" basis was a sectional one. The Whig counties of the prairie region, where the large planters lived, and the monetary centre of the plantation interest, Mobile, supported the mixed basis. The hill counties supported the white basis. The quarrel waxed hot. Yancey entered the campaign with alacrity and with his wonted zeal. Autauga, containing many large plantations as well as many small farms, stood divided on the question; Coosa, with fewer slaves, was less divided and was safe for the white basis. Thus Democrats, and Whigs rich in slaves, were found united to defend their property, while poorer Democrats and Whigs joined in support of what they declared to be their rights of citizenship. Mr. Morris was induced to retract his refusal to stand for the Senate. Flattered by the assurance of the mixed basis men that he alone could be depended on to cope with Yancey, he announced himself. It was reported that each candidate would publish in the same issue of the *Argus* an elaborate exposition of his side of the paramount question to come before the next Legislature. Under an agreement to this effect Yancey delivered to the editor his promised manuscript. Morris had not yet handed in one when the day of weekly publication arrived. Yancey consented that his letter should wait a week on the editor's table. Great was the indignation of the white basis men when the mail brought in the Talladega *Watchtower* with Mr. Morris' delayed address; and still higher rose the outbreak of feeling when it was reported that it had been circulated also in pamphlet form throughout the county. In the next issue of the *Argus* Yancey published a preface to his address, which then came forth, with an explanation of its apparently tardy appearance, accompanied by some exceedingly caustic reflections upon the premature publication of his rival. It was not customary then with gentlemen to employ vituperative language, aimed only at the personal failings of each other, unless the complainant intended to concede his personal responsibility. Morris rejoined in a strong defence of himself, but neither disputant descended to the plane of a war of words. Both wrote of their obligations to their respective parties, in the approaching election, with unmeasured words, but Yancey



evidently had the strong side in the quarrel over the premature letter of his opponent. Mr. Yancey's address declared :

“ The sole duty of the provision apportioning slave for representation in the Constitution of the United States is to furnish a standard by which to measure the relative strength of each sovereign State in the Federal councils. It is the written contract entered into by which to divide amongst its members the political power of the whole Union. The very materials of that measure of apportionment attest this fact. Alabama claims that she shall not only be entitled to representation in the National Assembly, in proportion to her free members, but claims her superior political weight under the Constitution. Why ? To counteract the overwhelming influence of a free population in the free States. \* \* I assume, as well established truth, that no two principles antagonistic to each other can exist in the same Constitution. It inevitably follows, that the white basis is the only constitutional doctrine. Congress has the right to appoint the time, place and manner of electing Representatives. It has said they shall be elected by Districts. Under that contingency either the white or mixed basis can operate. But suppose Congress had decided Representatives should be elected on the general ticket. Then the mixed basis would have been impracticable, while the white basis would, under the general ticket, act in its greatest vigor and purity. All must admit that the law which would meet any contingency arising under the Constitution is expedient and Constitutional. \* \* The interests of many of the States are very dissimilar and those interests must be protected by laws peculiar to the States. Therefore arises the absolute necessity for a fixed rule in the federal system whereby to apportion among the States, with such deeply conflicting interests, the political weight which each shall have in the councils of the Union. (Art. 1. Secs. 2 and 3 Con. U. S.) The citizens of Alabama bear toward each other entirely different relations from what is described in these provisions of the Constitution. The people of Alabama are governed, in respect to this question, by one Constitution only. \* \* In these views my opponent, Mr. Morris, differs from me and claims opinions for the framers of the United States Constitution never dreamed of by them. He would



bring into Alabama the rule of suffrage of the whole Union, regardless of the special reason for the federal rule of apportionment prevailing here. To show how preposterous would be the practical effect of his views, let us illustrate them on paper, for, in the name of the genius of the Republic, I pray they may never operate practically among the people." The rule of the federal Constitution, for the apportionment of Representatives and direct taxes having been cited, the letter continued: "Mr. Morris says place this standard by every ballot box in the State and as every citizen comes up to vote apportion off the share of representation to which he may be entitled by it. A poor man comes forward and is classed as a 'free person' without ownership of slaves. A rich merchant next advances and, having no slaves, his vote is accepted and counted as one. The owner of a hundred and fifty slaves then comes forward. By this federal standard in force, he casts one vote as a 'free person' and ninety votes as a slave-holder — ninety being 'three-fifths' of one hundred and fifty. \* \* I ask, fellow citizens, in all candor, can such monstrous inequality as the application of this federal rule to our domestic and State affairs be correct, either in conscience or under a just construction of the Constitution of Alabama? \* \* And why, in conclusion, this bitter hostility directed against my humble self? Certainly not on account of my personal importance. I attempt to represent the great mass of the people versus the aristocracy. You are to be lulled into security and ease. Is it not true that you have been told this is a question of no importance at all? That it has been gotten up only for effect? Indeed, you have been so told and if you consent to remain quiet the active and vigilant tools of the wealthy will succeed at the ballot box. The effect of such action would be to commit to the hands of a slaveholding minority the whole power of the State."

Yancey was elected by a great majority, receiving 1,115 votes to 825 for Morris. It was announced that one hundred and fifty Whigs voted for Yancey and six hundred Whigs voted for Morris.

Fitzpatrick was re-elected Governor. At the solicitation of the Democrats of the First, or Mobile, District, Henry Goldthwaite resigned his position on the State Supreme Court to

stand for Congress in the pending campaign. James Dellet, an Irishman, a graduate of the South Carolina College, and a very eloquent orator, had been announced as the Whig candidate. It was supposed that Judge Goldthwaite would be better able to debate with him than any other man available to the Democrats. A most exciting joint canvass of the District was entered upon by the candidates, resulting in Dellet's election. Goldthwaite was immediately restored to his place on the Court when the Legislature assembled. The contest was interesting from many standpoints. The debates between the rival aspirants for votes were highly instructive and inspiring of patriotic ardor. The conduct of Judge Goldthwaite, in resigning the highest judicial honor only to preserve the judicial ermine from possible contamination while his candidature for another office proceeded, was an act typical of the political leader of that time. The New England origin of the Democratic candidate and the foreign origin of the Whig candidate attested the impartiality with which the Southern people dispensed confidence to the true and high-minded men who came to reside among them. Dellet married, in South Carolina, a lady of the highest class of slaveholding society; Goldthwaite married a daughter of a planter and gentleman of wide influence in Alabama.

The lower House of the General Assembly had spent several of the earlier weeks of the session in discussing a bill providing for "mixed basis" and the Senate awaited quietly its action. The bill was defeated in the House. No speeches of considerable length had been made in the Senate, when a bill was reported authorizing the President, and Directors of the State bank and its branches to appoint Marshals with the power of Sheriffs. Mr. Yancey spoke against its adoption. He said it was legislation without the letter and intent of the Constitution of the State. The bill created an office supplemental to the constabulary provided by the Constitution, but while the State controlled the one the banks alone appointed and controlled the other. The bill actually placed the liberty and property of the citizen under the banks instead of leaving liberty and property under the courts and their officers. Senator Walthall, chairman of the committee reporting it, rose with a motion to re-commit the bill which, he declared,

would not have been presented had he enjoyed the benefit of the speech he had just heard from Mr. Yancey, at an earlier moment.

The new question of protecting the separate estate of married women received the earnest support of Mr. Yancey, both in his addresses to the people and in his official labors. The Declaration of Independence, he said, had been limited to the rights of men. The oppressive common law of England yet controlled the rights of American women. He would not be classed with those who believed innovation was dangerous to justice. He had no fear that women would be unsexed by a reform in laws which made the home secure —“that intricate net work of sentiment, pure principle and veneration for things holy, which goes to form the national character.” When it was announced that he would speak upon a bill to define and protect the separate estate of married women the floor and galleries were crowded with ladies to hear him.

Robert Dougherty, of Irish origin and Irish wit, “stout and brawny,” and able, withal, came to Macon county, Alabama, from Georgia, where he was born, the same year that Yancey settled in Dallas. Mr. Dougherty was a lawyer and planter. He was elected to the Senate, the same year Yancey was elected, as a Whig, and was nine years older. A resolution came before the Senate memorializing Congress to pay a sum of money, a judgment of the court, in default of which Amos Kendall, Postmaster General under Jackson, was then held in prison bounds at Washington. Stockton & Stokes, mail contractors, presented an account to Kendall for extra service. The claim was disallowed with the President’s approbation. Through various proceedings the matter remained until Kendall’s term of office expired. The claim was finally granted, the plaintiffs brought suit against Kendall on his personal account and were allowed a judgment for \$12,000, which the defendant could not pay, and was, therefore, imprisoned. Mr. Dougherty opposed the resolution, and in his speech discussed, with acrimony, the political character of Jackson. He “despised the character of Andrew Jackson as a statesman; the Muscovy drake cannot fly in the wake of the eagle,” were among the expressions of his invective. Jackson had ever been Yancey’s ideal of a hero. Dougherty’s

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speech aroused in him a profound sense of injustice and indignity heaped upon this aged man, in retirement, whose life the world had felt and noble minds every where now revered. The debate was expected and as usual, when Yancey was to speak, the Senate was full and the galleries crowded. "True, sir (retorted Yancey), never was the soaring eagle in his pride of place hawked at and brought low by the mousing owl. In the heaven of his fame, bathed in the sun's glittering effulgence he still calmly makes his splendid gyrations, unscathed by the missiles of his impotent foes, and far, very far, above the reach of imbecile party malignity."

The session of the Senate expired. Never before had Mr. Dougherty encountered an antagonist in debate who could not be embarrassed by his incisive wit, who would not flinch before his sarcasm or recoil at his stern argument. All confessed Yancey stood at the head of the young men of Alabama in the qualities of a political leader.

## **CHAPTER 4.**

# **Schools and Banks.**

1841-1845.

The State of Alabama was organized at Huntsville and the framers of the Constitution were duly impressed with the problem of finance presented to them. The great amount of productive capital coming under the new government was inadequately supplied with a currency. It was apparent that the known workable mines of the precious metals of the world were almost exhausted. The bulk of commerce had no egress save through the port of Mobile, by sailing vessels. Exchange, to the necessary extent, was impossible. Under this emergency, a provision was incorporated in the organic law, allowing the Legislature to create a bank of the State, to be located at the capital and from time to time to establish branch banks. The banks, the navigable streams, leading to a single metropolis, Mobile, offering one mile of navigable water front to every twenty-five miles square of farming lands, the salubrious climate and fruitful soil, in co-operation, produced an unparalleled general prosperity, smooth as the music of troubadour's song.

The original and most valuable resources dedicated to public education in Alabama became early and, innocently, involved in the public necessity — the State banking system. When this system had degenerated into a public evil its radical reform or summary removal became a condition precedent to the restoration of the public education fund to its

legitimate purposes. But the richer class, to which the banking system had afforded greatest relief, were least dependent upon the public education fund. Hence, when Mr. Yancey, upon entering his first canvass for the Legislature, pledged himself to the people in extraordinary efforts to release the fund, he also declared: "I know the prejudice with which one who enlists in this cause must contend." A public school system was not established in the State until fifteen years later. Therefore the cause of which he was one of the earliest friends was indebted to him only for wise counsels in its early struggles. The rights of the schools began to be pressed, as the Indians retired and non-slaveholding whites filled the vacated land. As early as the fall of 1840, while Benjamin Fitzpatrick yet pursued his canvass as Presidential elector, the *Wetumpka Argus*, knowing him to be free from all bank entanglements, as officer or borrower, lead all newspapers in a call upon its party to meet in convention at Tuscaloosa, early in the December, for the purpose of nominating that gentleman for Governor. The disinterested nature of this counsel became apparent when it was known that the relative and earliest and most steadfast friend of the editor, in the State, Major Jesse Beene, a party man of eminent services and the highest personal merit, was a candidate for the nomination. The editor confessed, feelingly, the sacrifice of his personal predilection to his sense of public duty in recommending Fitzpatrick over Beene. Successful, both in the call for the convention and in the acceptance by that body of his recommendation of a nominee, Yancey, both as editor and orator, kept alive the leading local issue, bank reform. In the midst of the campaign, of 1841, involving Fitzpatrick's election to the office of Governor, and his own to the Lower House of the Legislature, he was called upon by a public meeting, convened for the purpose, to define his position on this question. In reply he published an elaborate letter. The opinions expressed become noteworthy here because they formulated the entire principle, in the abstract, upon which, five years later, bank reform was set in motion and the school fund thus far released. He had never studied finance, he said, much less the science of banking, with a special object in view. In this exigency the essential object was, not to carry on banking by

the State but to prepare to withdraw the State from banking. "I am not in favor (he wrote) of entirely abolishing the existing Bank System at once; for to do so would leave us without a circulating medium of any kind, or at least with one not at all adequate to the wants of the community or the necessities of trade; or it would impose upon us the hasty adoption of some other system, ill digested in its details and probably as defective and as dangerous as the present one. It would also cause a most sudden and ruinous depreciation of the bills of these institutions — a state of things upon which the broker and speculator might thrive, but which would entail ruin upon the poor who held the bills. \* \* I am, therefore, in favor of so changing and altering the present system as to produce no sudden or violent convulsion in the currency of the State, already greatly deranged; and to make it (the currency) the means of paying off the State stock as it falls due; thus saving us from the necessity of a direct and oppressive tax to sustain our honor and our credit and, at the same time, to give us time to prepare such a plan of banking as the light of experience shall suggest to be good. \* \* Should I be elected, I shall listen to all propositions with candor and a fixed determination to select that one which will best subserve the interests and the honor of the people of Alabama."

The first school in which the English language was taught in Alabama was kept by a New Englander, John Pierce, at "the boat yard" on the Tensaw river, in the early years of the first decade of the nineteenth century. The first public appropriation for schools in Alabama was made by the Legislature of the Mississippi Territory, in 1814. One thousand dollars was divided between Washington Academy, at St. Stephens, on the lower Tom Bigbee, and Green Academy, at Huntsville, in the other extremity of the settlements. Green Academy prospered, until burned by the United States army of invasion fifty years later. A provision of the fundamental law of Alabama, adopted in 1819, preparatory to the application of the State for admission to the Union, took the most advanced view of the sacred duty of the State toward public education. The public school system of the United States, at least of all the States not included in the original thirteen,

was founded upon a plan of endowment, adopted by the "old Congress," in 1785, by which the section numbered sixteen, in every township surveyed, in territory belonging to the Union, should be sold or leased and the proceeds constitute a permanent fund for the maintenance of public schools in that township. Ohio, Illinois, Indiana and Alabama were the first four States admitted with the benefit of land grants by the United States for purposes of education. In addition to the sixteenth section grant for public schools, the government gave the State of Alabama seventy-two sections, or 46,080 acres to be designated by the Secretary of the Treasury for the sole purpose of establishing and maintaining "a seminary of learning." In this last named grant originated the University of Alabama. The first Governor of the State, William W. Bibb, urged the Legislature to provide for the application of the government grants. As to the University lands, trustees were appointed and the lands vested in them. The question arose, how to dispose of the funds arising from the sale or lease of the University lands. There was small opportunity to invest in stocks in Alabama, where property consisted in land and slaves almost exclusively. A bank of the State was established and by order of the Legislature the University fund, arising from the University lands, was invested in the stock of the State held in the bank. The bank was allowed to absorb the money paid into the Treasury from the sales of the sixteenth sections. From 1836 to 1844 the State bank and its branches paid the entire State taxes. The banks naturally opposed any diversion of the Treasury receipts from their control, and, therefore, the banks were unfriendly to the separation of school monies from the general receipts of the Treasury. The banks, being creations of the Legislature, soon learned to corrupt the Legislature, the better to perpetuate their own power. The Legislature elected the Presidents and Directors of the banks — the parent bank at Tuscaloosa, the branches at Decatur, Huntsville, Montgomery and Mobile. A report was prepared by the Legislature, at its sessions of 1840-41, showing that forty-five Whig members of that body, and Whig Directors and Presidents owed the banks of the State \$572,596; and that forty-three Democrats, members of the Legislature and officers of the banks, owed



those institutions \$149,312. The largest Whig debtor, T. McC. Prince, owed \$120,436; the next largest, C. C. Langdon, editor of the *Mobile Advertiser*, the leading Whig journal of the State, owed \$89,311. The largest debtor among the Democrats was the President of the Senate, Nathaniel Terry, who owed \$46,049. Besides debts on their individual accounts, many of the members of the Legislature, of both parties, were deeply involved as sureties on the promissory notes of their constituents, held by the banks; some to the extent of \$100,000 and over, each.

It is easy to trace the influence emanating from Wetumpka, as a political centre, favorable to bank reform. It is certain that bank reform in Alabama was made a political issue, first in the territory of which Wetumpka was the commercial and social centre. The *Argus*, being the only bank reform newspaper published at that town, exerted a determining influence over public opinion. At the sessions of the Legislature of 1840-41, the Representative of Coosa, William W. Morris, introduced resolutions so startling to the House in direct charges against the conduct of the banks and their relations to the Legislature, that the resolutions were indefinitely postponed. This was the first decisive step toward reform, for Morris' resolutions had made a deep impression. The *Argus* reproduced them and argued with untiring zeal from their standpoint. At another day, in the same session, the Governor sent to the Legislature majority and minority reports of a Commission of three citizens appointed, before the assembling of that body, by himself, to examine the books of the branch bank at Montgomery. Howell Rose, a large planter in the vicinity of Wetumpka, a member of the committee, prepared the minority report. Mr. Rose's report differed from that of his associates in the fullness of the exposure of bank corruption and legislative collusion presented by it. June 21, 1841, a meeting of the citizens of Autauga and Coosa counties, regardless of party affiliations, met at Wetumpka to consider measures of relief from "a spirit of speculation and fraud abroad in the land which is destined, unless speedily arrested, to destroy the banks and bankrupt the people."

July 3, a large meeting of citizens assembled at Vernon, Autauga county, to inquire into bank frauds. A list of

citizens indebted to the State bank and its branches, at Tuscaloosa and Montgomery, in sums ranging from \$200 to \$4,000, was read. Affidavits were read signed by the "mark" of illiterate people, testifying that they had been bribed in sums of ten dollars to lend their names as sureties on promissory notes discounted at the banks. Resolutions were passed declaring State Senator Dixon Hall, Democrat, implicated in obtaining, on worthless paper, large sums of money from the banks, and demanding his resignation. On complaint of Daniel Pratt and other leading citizens, Mr. Hall was indicted by the grand jury and, by change of venue, his case was sent for trial to Macon county. Hall was in debt, on account of his "recommendations" of irresponsible farmers, in small sums, to the banks to a great amount. Samuel F. Rice, a member of the Legislature, from Talladega, went to the branch bank at Huntsville to borrow \$10,000. He was refused. Continuing on his way to the branch bank at Decatur, he met some of the Directors in the parlor of that institution. Denouncing there the conduct of a bank that would not lend money to the people, he avowed his purpose to bring the subject up in the Legislature. At the conclusion of his remarks, he presented his request for the loan of the sum just refused at Huntsville, and it was promptly paid over to him. One of the Commissioners of the Decatur branch, indignant at the transaction, reported it to the Legislature. The complaint was formally investigated, pronounced baseless, and Rice was elected State printer. The State lost heavily on purchases made by the banks of cotton, by advances on cotton in the warehouses in Alabama and at Liverpool and advances made by them on unharvested cotton.

From the formation of the Union up to this hour it has been extremely difficult to bring local questions, questions capable of being solved alone by a town, a county or a State, before the voters of town, county or State unembarrassed by the affinity of the voters with national parties. In nothing, more than this fact, has the inherent tendency of public sentiment toward centralization of the power of government been made manifest. Mr. Clay had brought forward his American System and Mr. Adams had compelled Congress to become the debating ground of the New England Anti-Slavery Society.

General Jackson had, for the time, at least, supported both Clay and Adams. The South was not deceived. The Democrats believed a specified policy in national affairs promised relief; the Whigs believed the reverse policy promised relief. Democrats and Whigs recognized the peril of their domestic institutions. Hence, when Governor Bagby presented in his message, of 1839, a just and indignant arraignment of the banks he proposed no adequate reform. He was silent on the claims of the public schools against those institutions, nor did he mention the duty of the State to public education, except to express, in measured phrases, the hope that La-Grange College, in Franklin county, and Madison College, in Perry county, might be assisted through the financial depression of the times, assuring the Legislature that he was "not conscious of the necessity for any legislation at present" to promote the welfare of the University of the State. The message declared, that in two years the members of the Legislature and the officers of the banks had received accommodation from those institutions to an amount greater than all the balance of the people of the State. The message discussed, at great length, the encroachment of the federal authority upon the liberties of the people and the sovereignty of the States. Indeed, reform in State abuses of finances and monetary systems promised little amidst the all pervading degradation of the United States Bank and its connections. A report was made by special committee to Congress, bearing date April 3, 1841, Joshua Lippincott, chairman. Among many items of misconduct, the committee reported the conversion by Mr. Joseph Cowperthwaite, Mr. Thomas Dunlap and Mr. Joseph Cabot, to their own private accounts, of two thousand shares of the Reading Railroad stock given, as the road had believed, as collateral to the bank. On August 18, 1838, the bank guaranteed a contract of its President, in his individual capacity, for \$5,000,000, purchase of Mississippi State bonds. Mr. W. M. Payne, Representative in Congress from Alabama, reported to the State Democratic Convention, of 1839, that the records of the United States Bank proved that Henry Clay, Senator, had received a fee of \$40,000 from the bank, Daniel Webster, Senator, a fee of \$50,000, besides a loan of \$110,000, John Sergeant, Representative, a fee of \$40,000

and Ewing, of Ohio, a loan of \$200,000. The bank accounts farther showed that large sums had been expended by the institution in publishing pamphlets and speeches of members of Congress, favorable to its continuation, for general circulation through the mails.

The people of Alabama hesitated. Should the Democratic party supremacy in the State be weighed against bank reform? When Fitzpatrick was nominated for election to the Governor's office, in 1841, so pronounced a Democrat as William R. Pickett urged the party to bolt the nomination and give its support to McClung, less a bank reformer. In 1843 the banks had not been greatly disturbed and party precedent gave Fitzpatrick another term. He had been faithful to the public expectation, up to the full extent of the consent of his party. But the moral force of a local question had not been permitted to put to hazard the integrity of the political community of Alabama in a contest of parties for the Presidency. Alabama was a Democratic State, her representation in Congress was nearly wholly Democratic, her electoral vote had been always Democratic. Thus, year after year of Democratic control of the State government closed and, with the close of each year, neither Legislature nor Governor had been prepared to avert the impending crash, visibly coming nearer, holding out repudiation and ineffaceable disgrace. So earnest had been Governor Fitzpatrick for bank reform, within the party, that he avoided in his annual message, of 1842, the least mention of federal politics. But Alabama finances were not made safe. At the end of the last session of the Legislature, in Governor Fitzpatrick's four years in office, there were five banking establishments left under the control of the Legislature, with five Presidents and ten Directors, eleven clerks and a corps of attorneys, agents and servants whose aggregate salaries were only a little below the total expense of the State government. Nobody knew what the actual condition of the finances of the State was. The derangement of the currency embarrassed and interrupted the simplest as well as the greatest transactions of commerce. There was no standard of value on which to base a contract; a traveller by the stage coach could not foretell what discount would be exacted on his bills at the breakfast

house. The most startling fluctuations took place from day to day or from week to week in the value of the money of the people, for which they were wholly unable to account. Lands suddenly rose and fell in price, slaves were in demand on the market to-day and unsaleable to-morrow. In 1838 a committee of the Legislature had reported only \$100,000 of the millions loaned to farmers, and planters, and doctors, lawyers and merchants, under the head of "bad debts." In 1841 the bad debt column had risen to a sum higher than three and a half millions of dollars. In 1843-4, the last session of the Legislature, in the Fitzpatrick reform administration, the bad debt column footed up \$6,292,599. Meantime, in accordance with the Governor's wishes, John A. Campbell had entered the Legislature from Mobile to devote his rare and logical acumen to the bank question, and John Erwin, a large planter and great lawyer, wholly free from bank debts or complications, had been made Speaker of the House with power over committees and proceedings. Meantime, too, a strong minority of Democrats in the Legislature, lead by Nathaniel Terry, of Limestone, and Dixon Hall, of Autauga, and supported solidly by the Whigs, blocked the way to bank reform. In response to the urgent recommendations and appeals of Governor Fitzpatrick and the discerning and eloquent reports of John A. Campbell, from the Committee on Banks, the Legislature consented to certain executive changes, in a system itself intolerable. The revenues of the State were to be again raised by taxation of the people rather than from the alleged profits of the banks; the salaries of all officers of the State were reduced; expenses of courts were reduced; the House reduced the pay of its members but the Senate refused to alter the per diem of its members; the number of bank officers was reduced, leaving the supply as just stated, and their salaries reduced, leaving the aggregate as also stated; the power of the banks to lend money or increase their debts was revoked and the four branch banks were put in liquidation; the charter of the parent bank expired, January 1, 1844, and it was not renewed. Bank reform in decisive measures was, nevertheless, left where it had been for long. The winding up of the banks, so as to save the credit of the State, and the private fortunes of the people, had not been provided for. The bank officers, in

reduced numbers, were yet in their old places ; no attempt to ferret out the conduct of officers or legislators, attorneys, or agents, or borrowers, by whose malfeasance, machinations and corruptions the State had been dishonored, was made ; a large party was known to be in favor of retaining in circulation the notes of banks whose powers had terminated and of resorting to various other expedients calculated to favor certain classes at the expense of the credit of the State. The evil, so universal in its effects, was far from eradicated, when the great Whig victory, achieved in the election of Harrison, in 1840, was turned suddenly to the greater triumph of the obscure Democrat, James K. Polk, over Clay, in 1844. Few Democratic leaders of Alabama possessed the courage to impeach the jubilant party at home, to expose the corruption of its operation in the State government and to risk its reform before the country.

When the season approached for the nomination of a successor to Governor Fitzpatrick the party was evidently much demoralized. The bank faction alone seemed resolved to maintain a vigorous battle for power. The last Legislature, by report of the Committee on Banks, had declared that "it was not believed that the disasters which have overtaken the banks and which have depreciated their character and currency have had the effect of destroying the confidence inspired by the benign influence of those institutions in the first years of their existence." What then should be the issue upon which a nomination of a successor to Fitzpatrick must turn ? A call was issued, but it was almost an unwilling call, for the regular biennial State Convention of the party to meet at Tuscaloosa, in May, 1845. The time arrived and delegates appeared but they did not come from the customary enthusiastic primaries. The boat from Mobile bearing many delegates from the entire western border of counties, even to the centre of the State, was delayed by low water. Nathaniel Terry, the largest bank debtor among the Democrats of the Legislature, had arrived with his friends who proposed to nominate him for Governor. It was an easy undertaking and speedily performed. Ere the delayed boat arrived, the convention of delegates on hand assembled, nominated Terry and adjourned.

Under these circumstances, Chancellor Joshua Lanier Martin resigned his judicial office and declared his candidature for Governor on the issue of bank reform. A campaign of unequalled activity followed — Terry and Martin being the only candidates and both Democrats, both extraordinary in their personal qualifications to instruct and please the people. In 1843 Fitzpatrick was elected by something in excess of six thousand majority; in 1847 Reuben Chapman, Democrat, was elected Governor by a majority over three thousand. Martin carried the intervening election, in 1845, by a majority exceeding five thousand. Whigs and Democrats desirous of prolonging the practical career of the State banks voted for Terry; Whigs and Democrats desirous of winding up the State banks, as speedily as sound discretion would permit, cast their ballots for Martin. The joy of the Whigs over a disrupted Democracy was more to their credit than the display of ill temper on the part of Democrats, compelled to witness the courage and capacity of one of their leaders occupying a position far in advance of the majority of their leaders upon the true test of the statesmanship of the day, gave them honor.

The Governor elect was not an accident. He was one only of his blood and name who have adorned the political and judicial history of Alabama. The question which he came out from the trammels of party to adjust to the operation of society is seldom adjusted within a party. It is a question destined to occur again and again and its somewhat elaborate discussion in this narrative, it is hoped, is not out of place. Governor Martin was one of the first lawyers who received a license from Alabama. He had hardly reached manhood when he began to practice in the northern counties of the State. He had been Solicitor of a circuit; four years Judge of the Circuit Court; four years Representative in Congress, and four years Chancellor, when elected Governor. He had never been defeated for any office to which he aspired, had ever been a firm adherent of Democratic principles, was forty-six years old, in the enjoyment of a singularly happy private life, to which he had voluntarily retired, when he came forth to redeem the State from financial degradation.

Governor Martin promptly offered to the Legislature a matured plan for winding up the State banks. It was original



in some respects, practical in all, simple, and so commended itself to that body that, with enthusiasm, they adopted it in its essential details. Five thousand copies of his brief message explaining the plan were ordered printed and were freely distributed among the people. The substance of the plan was, the immediate vacating, by law, of the offices of President and Directors of the banks; the appointment of three Commissioners with power to collect and secure the debts and wind up the affairs of the banks.

The Legislature proceeded to elect the Commissioners. F. S. Lyon, of Demopolis, Benjamin Fitzpatrick, of Autauga, and William Cooper, of Florence, were chosen. Mr. Fitzpatrick declined to serve and ex-Senator C. C. Clay took his place.

The candidature of Martin for Governor was not the only evidence of the public discontent with the Democratic party organization, in 1845, and the resolution of the people of Alabama to transcend party bounds in applying a remedy to bank mismanagement. Samuel F. Rice had been formally nominated in the Talladega District as the Democratic candidate for Representative in Congress. His course on the question of bank reform was not satisfactory. Felix Grundy McConnell, a Democrat, opposed him, and the people chose McConnell. Probably no two rival candidates ever appeared in Alabama of equal resources in wit and humor with Rice and McConnell. Both, too, were excellent stump speakers and of far above the average intellect of political leaders.

Francis Strother Lyon was soon made sole Commissioner with John W. Whiting, cashier of the branch bank at Montgomery, his assistant. Mr. Lyon was one of the natives of North Carolina who came to St. Stephens, the centre of the Tom Bigbee settlement, when Alabama was in a territorial condition. He was born of highly respectable parentage, in January, 1800. He came, when seventeen years old, to live with his uncle, the noted factor of the government in charge of Indian affairs at St. Stephens, George Strother Gaines. He was clerk in the bank at that place, read law, moved to Demopolis, the French settlement, higher up the river, and married there a daughter of a planter. He served in the State Senate and took a high stand at the bar. In 1835 he was elected from a Whig district as a sub-treasury Whig,



having been ere then known as a Whig. In 1837 he did not canvass for re-election but was chosen by a very small majority. In 1839 he declined to stand. He was noted for the industry of his habits, for the suavity of his manners and the correctness of his judgment. He was without vices and was free from foibles. In seven years from the date of Governor Martin's message recommending the retirement of bank Presidents and Directors, and six years from the appointment of Mr. Lyon as sole Commissioner, the banks were wound up, their bills were at par and the credit of the State was fully re-established. A single example of the remarkable success of the Commissioner will suffice. The State owned six hundred thousand dollars of the stock of the branch bank at Mobile. This was one of the most disastrously conducted of all the State banks. Two members of the Legislature from that city were indebted to it on their individual accounts, or as endorsers, to an amount exceeding half million dollars. The transactions of the Commissioner not only restored the bills to par, but returned an actual profit on the stock, held by the State, of fifty-two thousand five hundred dollars. No executive duties in Alabama ever required more methodical labor, more unvarying patience, and higher personal integrity than the duties of the Bank Commissioner. Thousands of individual bank debtors, farmers, planters, merchants, were dependent on him, not only for justice, but for the indulgence which would save them. To protect good citizens, each presenting a case to be treated on its own merits, and to protect the fair fame of the State in its financial obligations, was the Herculean task before him. Dr. Charles Lucas, a planter of Montgomery county, owed the branch bank there a sum he was unable to pay on maturity. Taking a steamer, he proceeded by the most expeditious route, down the Alabama from Montgomery, and up the Tom Bigbee to Demopolis, to confer with the Commissioner. Mr. Lyon was on a visit to his plantation, twelve miles out. Finding his visitor's card on his return, he hastened to the hotel and took him to his house for the night. In five minutes a memorandum was prepared of instructions to John A. Elmore, bank attorney, at Montgomery. The debt was delayed in collection and finally settled in full. Both men passed beyond four score years, and

from the day of the arrangement of the debt became earnest friends. So with hundreds of like examples. Other States sent messages of warning and encouragement to Alabama. The progress of her Bank Commissioner's work was watched, at the first, with anxiety and distrust in Europe, where her bonds were held, but soon apprehension of peril gave way to confidence, the fruits of which are at this day apparent.

## CHAPTER 5.

# Two Elections to Congress.

1844-1847.

The two classifications of public sentiment, the Abolition and Whig parties, moving, *pari passu*, toward enforced emancipation of slaves, protective tariff, national bank, national internal improvement, nevertheless drove Mr. Clay into retirement. In August, 1842, the Congress which had come in with the election of General Harrison passed a bill revoking the "compromise," of 1833, on the ground that it was an act of Congress entitled only to the respect due to ordinary legislation, and re-established a protective tariff. This conduct transpired a few months after Mr. Clay reached his farm. Abolitionists and Whigs joined forces in consummating it. In January, 1841, too, before Mr. Clay left the Senate, Mr. Adams presented in the House the petition of Benjamin Emerson and forty-five other citizens, of Haverhill, Massachusetts, praying Congress to take the necessary steps to dissolve the Union. Mr. Adams disclaimed sympathy with the plan of the petitioners to absolve themselves of responsibility for slavery, but justified the petition, on the principle laid down in the Declaration of Independence, asserting the right of the people to alter or abolish their form of government at will. Mr. Calhoun, also, retired to his farm. The indecision of men, and the vicissitudes of events were so startling, that the honest masses turned, instinctively, to the farm "Ashland," in Kentucky, and the farm "Fort Hill," in South Carolina, as



MR. J. W. R. N.



their predilections controlled, for a leader to formulate the issue of the Presidential campaign of 1844. But the last of contests for the Presidency on great national issues, had been fought, in 1840. Geographical issues, to be determined by the expediency of the moment, were destined to contain the history of national elections in the future. Neither Mr. Clay or Mr. Calhoun could become the impersonation of such politics. Mr. Adams was content and confident.

This was the aspect of politics when, in January and February, 1844, Mr. Clay, setting out from his retreat, followed the Western rivers to New Orleans and up the Alabama to Montgomery, on his way to attend the celebration of the sixty-seventh anniversary of his birth, with great demonstrations, at Raleigh, North Carolina. February 28, 1844, a gun on the steamship-of-war, Princeton, on the Potomac, exploded, killing Secretary of State Upshur and others. The next morning, at the request of Representative Henry A. Wise, whom he mistakenly supposed had authority from President Tyler, Senator McDuffie wrote to Mr. Calhoun that he would be appointed to fill Secretary Upshur's vacant place. Wise told the President, after making sure that McDuffie's letter was on the way, what he had done, making it a personal matter to have the place offered to Calhoun. The President hesitated, but the offer was made and accepted. This arrangement, at so late a day, was supposed to be unfavorable to Calhoun's prospects before the National Convention of his party, to meet in May.

Mr. Clay was received at all important landings of the steamer on which he had taken passage down the Mississippi, with great rejoicings. At Mobile he was met by hundreds of gentlemen from the country and, unfortunately for their enjoyment, took up his abode at the private residence of Dr. Le Vert, under the special care of Madame Le Vert, a devoted admirer. A formal invitation from the city Council of Tuscaloosa, the capital, borne by distinguished citizens, to visit that place, was presented. Continuing his course up the Alabama River, at the ancient town, Claiborne, a characteristic greeting was prepared for the distinguished guest of the people. Some young planters procured a number of coon skins, hung them around the river side of a small log cabin on the bank and upon the roof placed empty cider barrels. The day passed,

but the expected steamer came not. Torches were placed and lighted, to rival the sun in the light thrown on the Clay signal. Weary with watching, the patriots fell asleep, while the steamer passed, with Mr. Clay in his berth oblivious of the shore honors prepared for him. The next day he sent a message of appreciation.

Alabama Democrats were divided between Van Buren and Calhoun for the nomination for President. Dixon H. Lewis favored Calhoun; W. R. King favored Van Buren; Yancey was of the Calhoun men. The State Convention of the party voted 67 for Van Buren to 50 for Calhoun. A motion to substitute James K. Polk, of Tennessee, for King for the vice-Presidency, was voted down by a great majority.

Early in May, 1844, the Whig National Convention met at Baltimore and nominated Mr. Clay for President and Theodore Frelinghuysen, of New York, for vice-President. The platform of principles adopted was almost identical, so far as it went, with the declarations of Democratic National Conventions of later times. It was silent on the question of slavery. The party demanded a "well regulated national currency," but nothing was said about a national bank. On the subject of federal taxation, it called for "a tariff for revenue to defray the necessary expenses of the government, and discriminating with special reference to the protection of the domestic labor of the country." What "necessary expenses" of the government should consist in, was left to conjecture. The platform farther called for one term only in the Presidency, for the distribution of sales of public lands among the States, for efficient administration and "a well regulated and wise economy."

Later, in the same month, at the same place, the Democrats met in National Convention. Mr. Calhoun declined to allow his name to go before the body. The devotion to abstract principle which prevailed so widely in Southern politics was forcibly illustrated in his conduct. The nominating convention, his letter of refusal averred, represented, not the people in their free and intelligent action, but a series of inferior conventions all of which had been, more in one place and less in another, controlled by individuals with personal objects to serve. While the convention was ostensibly regulated in its composition by the theory of the electoral college, each State

having the same vote in the one as in the other, the delegates to the convention were controlled by strictly partisan rules adopted by State conventions, and intended to take away from individuals the right to give voice to their constituencies. For example, Virginia had instructed a bare majority of her delegates to cast the vote of all. On the other hand, the only possible way to obtain a fair expression of the will of the people in the convention was to constitute it of District delegates, who should vote independently of all considerations of superior authority to the people by whom they had been chosen.

The President, Mr. Van Buren, went into the convention, with a decided majority, for the nomination. The two-thirds rule was for the first time put in force, for which his friends were not prepared, and to it he was sacrificed. Most unexpectedly to himself, Mr. James K. Polk, of Tennessee, received the nomination. Mr. George M. Dallas, of Pennsylvania, was nominated for the vice-Presidency. Polk had been in the House and Dallas in the Senate. The Democratic platform denounced the Abolitionists in Congress and without; demanded all of Oregon, to please the Northwest and the re-annexation of Texas, to please the slave States; condemned the Whig policy of distribution of sales of public lands among the States, requiring that the proceeds should be devoted "to the national objects specified in the Constitution;" supported the Executive veto as a conservative feature of government; re-affirmed the earlier opposition of the party to a National Bank and demanded a tariff for revenue only.

Mr. Clay's letter of acceptance was an exceedingly frank avowal of his belief that the American people demanded his election. Taking up the confidence of their leader, the Whigs adopted the rallying cry of their canvass: "Who is James K. Polk?"

There was a Northern and a Southern plan of campaign within the Democratic party. In Pennsylvania, "Polk, Dallas and the tariff of '42" was emblazoned on transparencies, borne on banners and posted in the literature of the party. This motto was apparently justified in a letter written by Mr. Polk in the progress of the contest known as the "Kane letter." In New York, a secret circular was issued by Messrs.



Butler, Dix, and others, Democrats, who had taken offence at Van Buren's defeat, advising local leaders to pronounce for "Polk and Texas" but to take care that only men opposed to Texas annexation should be chosen Representatives in Congress. Mr. Polk made no secret of his position on the claim for all of Oregon, however readily he dropped the claim after the election. The United States and Great Britain had maintained a treaty of joint occupancy of a part of Oregon, since 1818. On the part of the United States, the treaty was based upon the claim of discovery and settlement, and on the part of Great Britain upon her treaty with Spain for all the land west of the Rocky Mountains. Subsequent to the treaty of 1818, Great Britain ceded all her rights in Oregon to the United States, nevertheless, the joint occupancy continued, neither government attaching any importance to the land. Mr. McDuffie declared, in the Senate, it was a useless country, destined never to be inhabited. It was a stipulation of the treaty of joint occupancy that twelve months notice of the desire of either party to suspend it should be given. In 1844 the demand for "notice" was so great in the free States, and especially in the Northwest, that it attained to recognition in the Democratic platform. A difficulty arose in diplomacy between the two countries respecting the Oregon northern boundary line. General Lewis Cass, Senator from Michigan, lead the Western Democrats in the cry for "54° 40' or fight." Calhoun and his following were in favor of the British line, the forty-ninth parallel, and opposed to war, but Mr. Polk in his public utterances, as has been said, in the campaign of the party, fully committed himself to the Western attitude. "A masterly inactivity" was the counsel of Calhoun adopted, as will appear, by Yancey when in position to make his views felt. Calhoun's counsel finally prevailed.

Mr. Polk, a farmer, young, educated, of aristocratic Southern lineage, ambitious, yet without an inconvenient personal record, soon discovered very admirable qualities of the political leader. The Democrats joined the contest with Mr. Clay with utmost zeal, which soon ripened into enthusiastic confidence. Mr. Dallas displayed excellent tact and added no little, in the dignity of his character and the timeliness of his utterances, to the party prospects.

No question in American politics involved ultimate results of equal importance to the re-acquisition of Texas by the Union. It will not be amiss here to explain, with some detail, why the States of the Southwest were especially anxious for the recovery of Texas. England was justly suspected of attempting to colonize that Republic, in order to injure the United States. A large amount of gold was subscribed in England and paid over to petty German princes and nobles to induce them to promote the emigration of their dependents thither. Twenty-five German princes and nobles entered the scheme. In the spring, of 1843, several ship loads of emigrants were collected at Mayence, ready to sail. None were granted passage tickets, save those who had in hand an amount of money to start themselves at the end of the voyage; those who had money were persuaded to surrender it to the agent of the colonization Company, with the promise that it should be deposited in a European bank subject to draft through the Company. On these conditions the several ship loads of emigrants made sail. They arrived penniless. Their money was lost to them forever. About this time Mr. Calhoun came into office as Secretary of State, under Tyler. Hearing of the activity, in England, of the Texas colonizers, he sent General Duff Green to ascertain particulars. In the voluminous evidence sent back by this agent of the State Department, was a speech delivered by Lord Brougham in the Upper House of Parliament. The noble lord said: "I am irresistible anxious for the abolition of slavery in Texas. It would put a stop to breeding slaves for the Texan market. The consequence would be the abolition of slavery in America." Texas was already the adopted home of thousands of emigrants from the United States, a large part of whom had carried their slaves and opened estates. Mirabeau Lamar, James Hamilton, Albert Sidney Johnston, were typical of a class of men controlling the Republic. Besides, grave apprehension existed in the mind of the Administration of interference by England on the Pacific coast. There was a well grounded suspicion that the British government hoped to see the Mexican State, California, almost as great in area as Texas, united with Oregon to form a Republic. Captain Suter, a Swiss, an old soldier of Napoleon, was practically

ruler of California. He had two forts under his independent command with two thousand natives and laborers, to man them, well drilled. Mexico had more than once ordered him to disband his forces and dismantle his forts, but received no other attention in its demands than the bold commander's laconic response: "Come and take them." Mexico, claiming both Texas and California, was naturally jealous of both England and the United States. Nor were the apprehensions of English interference in Texas and California without other sources of apology than the open conduct of that country in those localities. In the first half of the nineteenth century England received from Mexico, annually, half as much silver as was kept in the Bank of England. Her monetary system was largely dependent on the continued operation of the silver mines of Mexico. The most valuable of these mines were owned and operated by English capitalists and the British government maintained two agents in the vicinity of the mines to protect them. Gold was known to exist in California. True, England was only half in earnest. She had been defeated, at least for a time, in her original scheme to erect a great dependency on the Western Hemisphere. The United States had absorbed the most valuable territory and had already become a dangerous commercial rival. To beat down this rivalry, to discourage commerce upon the Western and build up commerce upon the Eastern seas, England had abolished African slavery in her Western possessions; but in the East, she had conquered, at the point of the sword, an ancient and free people, robbed their temples of the wealth of unknown ages, reduced to her own rule sacred incas and proud moguls, and enslaved the common people in peonage whose heartless oppression exceeded the blackest record, over which her humanitarians wept, of the African slave-trade and African bondage on the Western Hemisphere.

In the progress of the campaign of 1844, the Democratic Association of Montgomery invited Mr. Yancey to deliver an address before it. The *Montgomery Advertiser*, of the next day, referring to the occasion, said: "We were never better satisfied by any speech we ever heard. It is utterly impossible that we could give any idea of the character of it by an attempt to describe it. The orator spoke for two hours and a

quarter, yet no one seemed to count the time. The audience seemed swept away by their sympathy with the speaker and burst out in loud, long and reiterated cheers." The orator said the Whigs relied on their shibboleth: "Who is James K. Polk?" The question had been asked in former times and he would explain how it was then answered. The Lord having resolved to depose Saul summoned Samuel, ordered him to fill his horn with oil and go to Jesse with a message. From the sons of Jesse, Samuel was commanded to choose a king for Israel. Before Samuel passed seven of the sons of Jesse, beginning with Abinedab, and to each, as he passed, the prophet said: "Neither hath the Lord chosen thee." And Samuel asked: "Are here all thy children?" "There remaineth yet the youngest and he keepeth the sheep," was the answer of Jesse. So David was brought in, and the prophet said: "Arise, anoint him, for this is he." The coincidence went farther, said the orator. Saul became sore troubled in mind because of his deposition from the kingdom. His servants sought to comfort him by the music of the harp and timbrel and by singing songs. "And is not this the way of the Whigs? In their alarm they strive to drown their fears in the sound of music. Do you not hear the sound of the banjo at their meetings, do they not sing songs and do you not continually hear the words: 'Git out of the way, you're all unlucky.'" "Here the applause became perfectly uproarious and loud cheers, mingled with shrieks of laughter, lasted for some time," added the reporter.

The integrity of the Democratic party of Alabama was at last made safe. The rivalry of Dixon H. Lewis and William R. King for leadership had arisen from conflicting views on the measure of sympathy due from Alabama to the nullification movement of South Carolina. Lewis was graduated from the South Carolina college, with honors, under the influence of Cooper's principles of political economy and federal obligations. He was invincible before the people and had been, since 1829, regularly returned to the Lower House of Congress from a District including Mobile, Eufaula, Montgomery, a great area embracing the richest part of the State. He was earnest and rugged, and a Nullifier without guile.

King was one of the first chosen Senators in Congress, from the State, polished by thorough education and foreign travel, a bachelor, chivalrous, politic and devoted to the Union. He, too, was invincible before the people, so far as the Legislature represented public opinion, for he had never lost an election for the Senate, where he had already served a quarter of a century, refusing all proffered favors of the executive until now. He declined to accept Mr. Van Buren's offer of the Austrian mission, because he had assisted to elect that President. But when Mr. Tyler, whom he had labored to defeat, offered him the mission to France, in a trying period of foreign relations with the United States, he accepted. King's resignation brought about Lewis' appointment, by Governor Fitzpatrick, to fill the vacancy in the Senate. The Governor ordered an election in the Third Congress District to fill Lewis' place. The District was composed of eight counties — Lowndes, Dallas, Perry and Autauga, dominated by rich planters, and Bibb, Coosa, Shelby and Jefferson, where the non-slave holding proprietary farmers lived. The Democrats of the District called a convention to meet at Wetumpka. There was misunderstanding of time and place. Jefferson did not appear, but Moses Kelly wrote, explaining the cause of non-appearance and declaring the people of that county unanimous for Yancey's nomination. Four counties, with a majority of delegates, met. James R. Powell, of Coosa, introduced resolutions recommending Yancey to all the counties. All the counties ratified the recommendation, and, so soon as the fact was published, the candidate took his private conveyance to make the canvass. He proposed to make one hundred speeches and there was not one mile of railroad in the District. In the hill counties were hundreds of voters who had never heard a steam whistle. He was not yet thirty years old, his health was perfect and he rejoiced, as an intellectual athlete, at the prospect of the fray. Ere setting out he resigned his seat in the State Senate.

Daniel E. Watrous, a resident of Shelby, a State Senator, representing that county and the county of Bibb, a gentleman of education, a delegate to the Baltimore convention that nominated Clay, was set up by the Whigs to oppose Yancey. The Whigs had not opposed Lewis, often, anticipating the

invariable result of his candidature. Watrous omitted to resign his seat in the State Senate. As Yancey started out on his canvass Watrous sent through the mail thousands of copies of a printed circular appealing to his party. Imperative private business called him from the State. The questions to be discussed were the questions of the pending Presidential campaign. The Whigs arranged to encounter the candidate of the Democrats with their best speakers, fresh in every county. Never did a party so prepare for its own discomfiture. The hot debates, the scene of the single young orator, meeting everywhere fresh and strong men, aroused the sympathies of all the people. Original thought, compact and resistless argument was the spontaneous response of Yancey's mind to the boldest attempts of his opponents. Never were audiences, in the District, so large as now; never before did so many of the same people follow a canvass from precinct to precinct, and from county to county. Opening his addresses in Lowndes, he was met by the Whig spokesmen, Thomas J. Judge, Gilchrist and Alexander, assisted by Mr. Hutchinson, a legislator from Montgomery. Passing on to Dallas, Judge John S. Hunter, a legislator, and Mr. Norris stood up for the Whigs. Entering Perry, Messrs. Lea and Upson came out to debate for the Whigs, while at Uniontown Mr. Rodney V. Montague, a planter, of Marengo county, came to the aid of his Whig allies. The surviving tradition is, that when Yancey had proceeded with his rejoinder to Montague a few minutes, the planter, not waiting to the close, rode off. In Bibb, Mr. King stood up for the Whigs. Jefferson and Shelby were reached when Mr. Watrous took his place in joint discussion. Election day in September came. The Democrats were amazed and the Whigs confounded. Yancey defeated Watrous in the latter's own Senatorial District 91 votes; he received more votes in Dallas than his rival for the nomination, George W. Gayle, of that county, had ever received for any office he aspired to; the District, which the year before had given Lewis 688 majority, not a few Whigs in the number, at a regular election, now, at a special election, proverbial for a small relative vote, gave Yancey 718 majority.

Having spoken of the character of the planters of the lower tier of the District and their social habits, I refer briefly

to the farmers of the upper tier. There was no difference between the two populations, except in those habits of life which were no where accounted prejudicial to a common public faith. In the prairie region, the largest relative slave population was found in the Whig counties ; in the hill region, Shelby, with 40 per cent of its population slave, was a Whig county, while Jefferson, with 20 per cent of its population slave, was a Democratic county. Mr. Yancey lived for months among the people of both regions and at no house was he permitted to pay a dollar for his accommodation. If he sipped sherry over the prairie planter's board, with equal rights of hospitality the home distilled peach and wild bees' honey were proffered on the porch of the hill farmer. If his horse was sent to the plantation blacksmith to have a shoe re-set, a suggestion of expense to the planter would be intolerable, and if the same courtesy was discharged by the farmer host, with his own hands, while his wife's own hands prepared the abundant breakfast, the different habits of the family there or here in no respect compromised their respective rights of hospitality. "I was elected twice to Congress and my canvasses did not cost me \$5," he said. No social state was more self containing than the domestic life of the hill farmer. The boundless wooded commons, verdant with grasses in summer, and friendly with mast in winter, supplied the meat for his table. The neighboring mill on the creek bank ground his home-grown wheat. Beside every fire place was the teck wheel that spun the woof and warp for the hand-loom that sat under every back shed. In Jefferson, at least, even the coal for the neighborhood smithy was gathered from the hill-side, and the iron ore by its side, melted in an open oven, was hammered into bars on the anvil. It is not to be overlooked, that in the hill counties had settled some of the best blood of the Carolinas and Virginia, whose culture was not surpassed among the people of any part of the State.

In all this wide District there was no Executive Committee to take charge of the candidate ; there was no campaign fund ; a pauper was a public curiosity and there were, probably, not a dozen prisoners in the jails. Whatever the hold of doubt in other things may have been upon the minds of the male members of the community, throughout its width and length,



man's skepticism never here impeached woman's sanctity. Lettered and unlettered enfranchised men were well-fed, well-clad, and together supported an ideal of civil liberty. The best man in debate won the votes at the polls. Yancey fully appreciated his constituency. He never electioneered, in the ordinary sense of the phrase. No hand met his grasp with a lurking suspicion that its frankness conveyed a bid for a vote. A neatly dressed man, habitually wearing a smile, an admirable relater of anecdotes, erect, self-poised in all companies was this leader of the people. He was not silent in company like Patrick Henry, nor convivial at table like Prentiss, nor brilliant in the parlor like Clay. His mind did not act in the length and breadth of its power until he came before his audience. Then it was, as Goethe says of Shakspeare's, as a watch, seen not only through the crystal to the dial, but through the dial into the machinery in all its workings. There were no mental reservations in what he said to the people. Least of all was there room for a rival's industry in disclosing any secrets of his private life. He was as free from personal vices as from public disappointments.

Polk and Dallas carried fifteen States, with 170 electoral votes; Clay and Frelinghuysen eleven States, with 105 electoral votes. The Abolitionists ran Birney, again, and he received 63,200 popular votes, an increase exceeding eight hundred per cent over his support in the previous election.

When Mr. Yancey took his seat in the House of Representatives, December, 1844, he was well prepared to discuss the Texas annexation question, then pending, and the opportunity for his appearance in the debate, which promptly opened, soon offered itself. The Whigs from the North were unanimous in opposition, the Abolitionists, under Mr. Adams' lead, were in open alliance with them, and the Southern Whigs, taunted by the Democrats with reflections upon their political association, had grown desperate. The Southern States passed resolutions through their Legislatures demanding annexation, while the Northern States were even more emphatic in denouncing the threat of annexation. The North Carolina Legislature had acted on the general Southern view and in the House, in the first few days of January, 1845, a



young Whig Representative from that State, Mr. Thomas L. Clingman, rose to speak against the Texas bill. He charged against the Democrats, that they desired to foment sectional trouble, he upbraided and denounced the Southern members of the Democratic party with extreme bitterness and censured, in sarcastic phrases, the Legislature of his own State. While Mr. Clingman spoke, the indignant Southern Democrats took counsel among themselves. They resolved that one of their number should make reply, in tone and temper equal to the provocation. They selected Yancey, the youngest member on the floor, in point of service. The legislative day was far spent when Mr. Clingman closed, but Yancey rose promptly to proceed with his maiden speech. A motion to adjourn was carried, for not a few members were prepared to expect no ordinary oratorical display, and were unwilling that it should be interrupted by the lateness of the hour when once under way. The news went abroad that Yancey would speak the next day. Mr. Calhoun, Secretary of State, sent for him, warning him "not to do his best in a first encounter." The severity of Clingman's remarks, as they were reported in the morning papers, the general excitement at this critical stage of the question before the country, the news that Yancey would speak had the effect of crowding the House and galleries. He discussed the question in its national importance and, finally, turning to Mr. Clingman, took up the aspersions of that gentleman against the motives of the South and the course of Southern Democrats on the floor of the House. His invective was "both the vial and the contents." Mr. Bailey, of Virginia, a member of long service, rose as soon as Mr. Yancey ceased, declaring he felt unusual embarrassment in proceeding to occupy the floor; that the speech of the gentleman from Alabama was the most eloquent he had ever heard in that Hall. The correspondents of all the metropolitan press wrote in highest appreciation of it, and the Democrats wrote in highest eulogy. The letter to the *Baltimore Sun* is especially notable, because it gave, at that early day, a description of the orator and his style, which critics held true in all his later career: "Great was the expectation (wrote this correspondent) in relation to Yancey's talents as an orator, but it fell infinitely below what truth and justice warrant.

His diction is rich and flowing, he is at once terribly severe in denunciation and satire and again overpoweringly cogent in argument and illustration, but ever dignified and statesman-like. He is comparable to no predecessor, because no one ever united so many qualities of the orator. He stands alone, and has attained a name and an elevation which is glorious and unapproachable. He denounced with becoming severity the tendency to bring all questions to the test of party rather than of national benefit, and he expressed the fear that the people were fast verging to a nation of embittered partisans rather than of enlightened, generous freemen." The *Washington Globe* said the speech was distinguished by "severe sarcasm and fervid eloquence, and this couching of the eyes of a Southern man by a Southern man, is quite appropriate." The *Richmond Enquirer*, Thomas Ritchie editor, the acknowledged organ of the National Democracy, said, the question, "Who is James K. Polk," had been answered. The question, "Who is W. L. Yancey," was on everybody's lips, "and if he be not paralyzed by the admiration he has already excited nor his head be turned by the incense of praise, he is destined to attain a very high distinction in the councils of the nation."

Yancey's speech was delivered January 7, 1845. The same evening he received a note from Mr. Clingman, written from his seat in the House, demanding to know "whether you intended toward me, personally, any disrespect, or to be understood that I was deficient in integrity, honor or any other quality requisite to the character of a gentleman." Yancey replied the next day, referring Clingman to the published speech in the morning paper, adding: "Of the language I did use or of my motives, I have no explanation to make." Clingman authorized Yancey's friend, Representative Armistead Burt, from South Carolina, to say that he would repair to Baltimore for farther correspondence. Yancey had requested Representative Robert Barnwell Rhett to take charge of the correspondence with Clingman, but Mr. Rhett construed his membership in the Episcopal Church a bar to such a friendly service. So that, on the evening of January 9th, Mr. Yancey, accompanied by Mr. John Middleton Huger, son of his father's law partner, left for Baltimore, arrived there at 8 o'clock and put up at the Exchange Hotel. The

following morning Mr. Charles Lee Jones, of Washington, appeared with a note from Mr. Clingman demanding to know if Mr. Yancey declined a satisfactory explanation of his speech. Yancey replied: "I deem any explanation superfluous." To this Clingman immediately replied: "I presume you will now state whether in the report of your speech as furnished by you to me, you intended any personal disrespect." Yancey replied instantly: "I must repeat, I deem any explanation superfluous." Mr. Jones then requested Mr. Huger to consider Mr. Yancey's first note in reply to Mr. Clingman as withdrawn. This was agreed to, and the whole subject was submitted anew to Messrs. Huger and Jones.

Mr. Jones, for Mr. Clingman, then inquired in writing of Mr. Yancey whether he intended by the language of his speech to convey any personal disrespect or to cast any reflection upon Mr. Clingman's honor or character as a gentleman. Mr. Huger, for Mr. Yancey, said that Mr. Yancey, and the body of Southern Representatives who heard Clingman's speech, construed it to justify and to demand Yancey's reply, and that Yancey would refuse any explanation of a reply to imputations cast by Clingman upon the character of his "brother Representatives." The next day, January 11th, Jones drew up a statement, in a few words, to be signed by Huger, declaring that Yancey's speech was delivered "in the heat of debate and not intended to be personal." Yancey refused to admit the truth of the words he was invited to sign, and Huger declined to accede to the demand.

Clingman then addressed the following note to Yancey:

"BALTIMORE, January 11, 1845.

"SIR:—Having failed in all my efforts for an amicable adjustment of the difficulty between us, nothing remains for me but to demand of you the satisfaction usual among gentlemen."

"Your obedient servant,

T. L. CLINGMAN."

"*The Hon. Mr. Yancey.*"

The challenge was immediately accepted, orally. I have given the particulars in detail to indicate the tardiness with which the field of honor was approached by the most gallant of gentlemen. Messrs. Yancey and Clingman had never met each other in society; no personal introduction had ever taken

place between them; they were about to combat for a principle. In the case of Mr. Yancey, he had not taken personal offence at the speech of Mr. Clingman; he refused to apologize for his reply, on the ground that he had spoken for his "brother Representatives" by their appointment and with their approbation; he had spoken for his section which, in this instance, was his country.

It was agreed between Messrs. Huger and Jones, these gentlemen having been appointed by the principals as their respective seconds on the field, that the meeting should occur, as soon as possible, at Beltsville, Maryland, on the Baltimore and Washington turnpike, twelve miles from the latter city, at three o'clock on the afternoon of January 13th. Saturday evening, as soon as might be, Messrs. Yancey, Huger and Buchanan, a member of the House, left Baltimore and drove eighteen miles toward Beltsville. Sunday was spent at rest at a wayside tavern. Sunday night was passed by invitation at a gentleman's residence near by.

The Clingman party arrived in due time in the vicinity of Beltsville and Yancey and his friends took rooms at Brown's Hotel. The seconds selected the ground and, as the hour approached, all were in readiness to repair to it. At this moment officers of the law appeared at Brown's in search of the belligerents. Mr. A. B. Meek, of Alabama, who had gone to Washington to bear the electoral vote of the State, with a number of members of Congress, were in the parlor on the first floor. Meek and Representative Reuben Chapman, of Alabama, entertained the officers, and contrived to have themselves bound over while Yancey and Huger, who were in an upper story, made their exit by a private way and, walking rapidly across the fields, and woods reached the ground. Meek had in possession the pistols. Finding Yancey had gone, he, with Chapman, sprang into a carriage and ordering the driver to put his team to the run arrived at the place of meeting in brief time — the officers in hot pursuit. The combatants were assigned quickly to position, ten paces apart, the weapons, single-barrel pistols, placed in their hands and the rules of combat explained. Upon the ground were Messrs. Burt, of South Carolina, Belser and Chapman of Alabama, and Saunders of North Carolina, members of the House, besides

Mr. Meek, and Mr. Huger, the second, together with Doctors Gwynn and Tate, of Mississippi, all friends of Mr. Yancey. Mr. John Marshall, editor of a Jackson, Mississippi, newspaper, seems also to have been present. Of the friends of Mr. Clingman, besides his second, Mr. Jones, there were present, Messrs. Rayner, of North Carolina, and Cassin, of Maryland, members of the House, and Dr. Gibson, of Maryland. The words were given and in the giving there was allowed the time of six seconds. Clingman fired promptly; Yancey fired toward the end of the time. Four or five policemen rushed on the scene and were within a few feet of Yancey when he fired. The shots were ineffectual. Mr. Rayner instantly came forward to suggest, that: "Mr. Yancey might now retract his personally offensive remarks applicable to Mr. Clingman, to which Mr. Huger suggested that this difficulty existed — that Mr. Yancey considered Mr. Clingman's speech as casting personal and offensive imputations upon the Southern Democrats. Upon which Mr. Jones, as Mr. Clingman's friend, at once disclaimed such construction and declared that the speech was purely political, and that Mr. Clingman intended no personal imputation upon any member of the House of Representatives." "Whereupon, Mr. Yancey made the suggested retraction."

To this settlement Messrs. Huger and Jones attached their signatures and shook hands. The principals advanced and shook hands.\*

High excitement prevailed in social circles at Washington awaiting news from the field. The next day both combatants appeared in their seats in the House. A few days later Mr. Preston King, of New York, called the attention of the House to the newspaper reports of the duel, and submitted a motion that a committee be appointed to inquire into the allegation that it had taken place, and if the reports proved true to bring in a resolution for the expulsion of both principals. The motion of Mr. King was debated all day. Mr. Payne, of Alabama, declared "if he were in the places of the gentlemen involved he would trample upon, yea, he would spit upon the act of expulsion if it were passed." Mr. Houston, of Alabama,

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\*I have followed in all the important details of this affair the published pamphlet account, written within thirty days after the occurrence and certified by John M. Huger.

opposed any resolution of expulsion. Mr. Rayner, from North Carolina, protested against any "such tyranny" as Mr. King's motion contemplated. The vote was taken and the motion to appoint a committee of investigation was lost, 166 to 82.

Mr. Meek wrote, for a Tuscaloosa newspaper, a full account of the scene on the field. He said Yancey had expressed a purpose not to return Clingman's fire. It was remembered that in the many affairs of honor in which Henry Laurens, President of the Continental Congress, had been engaged he never returned the fire of his antagonist. But Yancey's friends informed him they would not appear should he go to the meeting with that purpose. He then consented to return the fire of Clingman, but insisted he "would not aim at a vital part." "Mr. Yancey acquitted himself with the most scrupulous propriety," wrote Mr. Meek. Mr. John Marshall wrote to his paper, that he knew Yancey had not fired a shot in practice; that he had never taken a duelling pistol in his hand until he took his stand on the field. "A more cool, dispassionate man than Yancey I have never seen or expect to see," he wrote. The Alabama Baptist, a religious journal of high standing, attacked Yancey with extreme vigor. "He has prostituted the influence of his splendid talent, of his brilliant reputation as a star of the first magnitude, of his power as a leader of the younger part of his party, to the support of a practice which no man can defend; which every enlightened citizen deems a relic of barbarism and all religious people deem a gross violation of the laws of Almighty God," said that paper. Yancey replied to the article in a letter from his seat in the House to the editor. "I have no more to add to assure you (he said) and those constituents, whose honor I shall endeavor here to represent as well as their politics, that all these grave considerations so jointly brought to bear by your article, were calmly, seriously and deliberately weighed by me. The laws of God, the laws of my State, the solemn obligations due that 'young wife, the mother of my children,' to whom you so feelingly and chastely allude, were all considered; but all yielded, as they have ever done from the earliest age to the present, to those laws which public opinion has framed and which no one, however exalted his station, violates with impunity."

An extraordinary intensity of feeling was aroused in Alabama when it became known that Yancey's political enemies would endeavor to bring his public life to a close under the penal code of the State, proscribing duelling. The duelling act was in two sections. The one created a felony of the duel fought within the limits of the State by a citizen; the other disqualified for office the citizen engaged as principal in a duel fought without the State. I anticipate, briefly, the connected narrative of Mr. Yancey's career to introduce the final incidents relating to his affair with Clingman. When the Legislature convened in the winter, following the duel, a bill was introduced relieving him of the disabilities of the duelling act. To this bill was attached, for the same measure of relief, the name of Daniel Sayre, of Talladega, and it passed with no opposition, of importance. Governor Martin returned the bill to the Senate, where it originated, "with those objections which his sense of official duty required." The Governor declared the theory of government must suffer the most mischievous consequences from legislation of this character. The bill robbed juries and courts of the right of indictment and trial in a case of acknowledged violation of a statute which the Legislature did not venture to repeal, but only to suspend, and thus to anticipate the Executive prerogative of pardon. The Legislature had, in fact, assumed the whole power of government. "What other or better definition of tyranny have we (said the message) than that it is a government in which the authority which makes the laws, also ascertains the guilt of offenders, and administers or dispenses the punishment consequent to the offence." A hot debate followed on the motion to pass the bill over the veto. The Speaker of the House, Andrew B. Moore, came upon the floor and addressed it warmly in favor of the right of the General Assembly to repeal or suspend the operation of a statute. Mr. Howell Rose knew it was sometimes necessary for a gentleman to fight; Yancey had good cause to fight; he trusted in God the House would come to his relief. Mr. David B. Hubbard admired Yancey, but he agreed with the invulnerable argument of the veto. Mr. C. C. Clay, Jr., was a warm personal friend of Yancey, but he had heard nothing to break the force of the Governor's reasoning, and he could not



get around his own oath to support the Constitution. Party lines were lost in the final vote. The bill was passed over the veto, by more than two-thirds majority in both houses. The action of the body had little regard to the Governor's logic; it was taken in accordance with the impulse of society. A meritorious exception to the principle of the duelling act had arisen in Yancey's case. It could not be resisted. Yancey and Martin were personal and political affinities. Alike in fearless defence of principle and non-partisan both by nature, it was inevitable that upon the same plane of action two men so aggressive must soon or late collide.\*

In Yancey's first term in the House he found a young member, Stephen Arnold Douglas, and between the men a warm personal friendship sprung up.

In the June preceding the action of the Legislature relating to the duel, the nominating convention of the Democratic party of the Third Congress District met at Centreville, Bibb county. The presiding officer, Hamlin F. Lewis, of Lowndes, congratulated the delegates that there was little to be done; "For the people have with unheard of unanimity instructed us to vote for their late Representative, William Lowndes Yancey. Other Districts seemed to be divided, but ours (continued the speaker) is united as a tribute of esteem to one who had gallantly maintained the true policy of the country, and who has met our most sanguine expectations." The nominee, not opposed by the Whigs, received an increased vote over his first election. Taking his seat with the opening of the Twenty-ninth Congress, December, 1845, Mr. Yancey found there as new members, Jefferson Davis and Robert Toombs.

President Polk was greatly embarrassed by the attitude of his party on the Oregon boundary question. He offered Mr. Calhoun the mission to England, with *carte blanche* privileges to settle the dispute on Calhoun's own theory of "masterly inactivity." But the Carolinian refused the appointment.

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\*It will interest the reader to know the prevalence of duelling at different periods of history: Henry Laurens, Alexander Hamilton, Gouveneur Morris, of the revolutionary period, are sufficient examples of the class of citizens who then resorted to the field of honor; in the next generation, Andrew Jackson, Commodore Perry, Clay and Crawford; in the generation of Yancey, Albert Sidney Johnston, Phil Kearney, E. V. Sumner. These are only an insignificant enumeration of the Americans. Of eminent Englishmen, may be named Marlborough, Hastings, Clive, Pitt, the younger, Wellington, Beaconsfield, and many of their class, who resorted to the practice.



The war spirit of the West dominated the House. The South and East were for peace. South Carolina in both Houses was again in the lead. Rhett, in the lower branch, made the first impression for a policy of change from the committals of the President in the campaign. Yancey joined him, and delivered one of the most notable of his speeches. The peace party, in all parts of the Union, praised it extravagantly. The Tammany Society invited him to address the people of New York, but he declined. He received from Baltimore the honor of an appointment, to which any orator of the land might have aspired, to address the Jackson Monument Society and, on May 22, 1846, the oration was delivered before a large audience of the wealth and culture of the city. Following this invitation came one to deliver one of a series of addresses before Mr. Hamner's Female Academy, of Baltimore, Mr. Everett and other famous orators being on the list of acceptances. Choosing for his subject the "Rights and Wrongs of Woman," he said, "every blow aimed at established usage is received as prejudice or scorned as visionary," and upon this text argued, at length, for the innovation, normally evolving from the growth of virtue and intelligence in the times — acknowledgment of the equal social rights of women by the law.

When it was understood that Mr. Yancey would speak on the Oregon question the morning papers spread the news and the floor and the galleries of the House were filled to their full capacity. The impression made by the speech well sustained his reputation. The newspaper correspondents called him the "Charles James Fox of America," and the New York Herald declared he was without an equal in the field of oratory. The public interest in his oratory made a singular impression upon his mind. He feared to be classed with declaimers. Accordingly, when he spoke upon the River and Harbor bill and the Postoffice bill he treated both subjects with rigid analysis, discussing the relations of the measures to the Constitution, and fortifying his argument with laboriously prepared statistical exhibits. He participated in the acrimonious debate on Ingersoll's, from Pennsylvania, resolution of inquiry into the expenditure of the secret service fund under Mr. Webster's administration of the State Department. President Polk declined the request of the House for official

evidence showing the items of expenditure of the fund, under Mr. Webster, on the general ground that it was confessedly an appropriation made by law for the exclusive control of the State Department. The debate became historically important in exposing the variety of influences, brought into the government, in the tendency toward paternalism. Foiled by the President's refusal to bring before the country the accounts of the Secretary, the more ardent Democrats of the House, from both sections, attacked Mr. Webster's private business character with no little vehemence. The salary of a member of Congress was then extremely inadequate to the dignity of the office. Mr. Webster was poor, with a dependent family, and the sacrifice, in his example, was singularly great. His fame as a lawyer was unrivalled; his talents in Congress, in support of the powerful manufacturing interests of New England, were of incalculable advantage to the rich manufacturers. Mr. Webster was confronted by a great temptation, in his personal habits of extravagance, to retire from public life; the manufacturers resolved to remove the temptation by a supplemental contribution of their own devising to his salary. After Mr. Hilliard, of Alabama, in resisting Ingersoll's resolution, had pronounced a fervid eulogy on Mr. Webster, declaring that on his own observation in Europe the ex-Secretary was reckoned with Washington, among Americans, and after the subject had assumed a thoroughly partisan character, the Whigs on the defence and the Democrats attacking, the opportunity proved irresistible to Yancey. He arrested attention in the House and in the country by the serio-comic style of his speech. He said the gentleman from Pennsylvania, a most dignified Representative, had risen in his place to ask the House to inquire whether the Secretary of State had used the money allowed to him by the House for the purposes contemplated in the appropriation. The Whigs had denounced the motive of this simple motion, as if it were an impeachment of a favorite leader. In reply he would say, that the doctrine that "the king can do no wrong" was left behind when the Democratic theory was set up in the United States. That morning, in Baltimore, he had heard a personal and political friend of Mr. Webster declare in favor of a private bounty for that great Senator to enable him to remain in the public

service. He did not consider a Senator as in the public service, who held his place on the bounties of private interests. That was the animus of his own course. Even the separate States were not allowed to fix the pay or dispense the pay of members of Congress. Mr. Hilliard had denounced the "tracking down of public men," "the turning over of the pages of vile party defamation." Mr. Yancey would ask his colleague if, in the campaign of 1840, he himself had not descended to "Ogleism?" Did he not tell the gold spoon story on Van Buren and repeat the count of the utensils in the White House kitchen, and ransack the bed chambers for an inventory of articles found there? Mr. Hilliard confessed he had quoted the speech of Ogle, in 1840. Yancey replied he had never indulged in "tracking down" public men after that fashion. "Sir, (he said) as to Mr. Webster's intellect, all acknowledge its power; but for one, I do not award respect to great men for the intellect merely, which they possess. When a name for intellect is unassociated with public integrity, I leave its praises to the hangers on of courts and to the sycophants of the palace. It is unworthy of commendation from the lips of a virtuous American." Mr. Yancey's sarcasm, directed against Mr. Webster, was not more severe, however, than the defenders of Mr. Webster employed. Mr. Winthrop, from Massachusetts, at last rose in the House to explain, that no donation of stocks had been made to Mr. Webster, that he had not been paid a bounty of \$100,000, as charged, but that his friends at home had arranged for an annuity to enable him to remain in public life, and that the fact had been announced to him the month before. This, Mr. Winthrop considered, "as high a compliment as was ever paid to any public man in our country."

Congress sat until August 10th. Of the great event of the session another chapter will speak in detail.

Yancey debated with John Quincy Adams and with Winthrop, with Clingman and Alexander H. Stephens, New England Abolitionists, and Southern Whigs. He debated with Stephen A. Douglas, on the infidelity of the Democrats of the West to every National Democratic platform adopted, since Jackson's first term, on the vital question of expending the public revenues upon local schemes. If Congress, in

support of the rights of commerce, must buy the Ohio canal, what argument could be brought to show Congress must not buy and operate the South Carolina railroad. He delighted to contemplate the West. Under the beneficences of Providence, there a great people were destined to live and prosper. He had earnest hopes that, under the Constitution, a people of grand character would develop there, whose political principles would be as broad as their great prairies, and whose hearts would be as fruitful in every high and noble impulse. This ceaseless activity, bringing him in contact and conflict with varying shades of opinion lead him, in the native directness of his mental conclusions, to discover, what few then appreciated, the irremediable absorption of national principles in sectional expedients. Not alone from the mouths of older or more important members did he learn. He referred, with unconcealed emotion, to the time, not long ago, when he and a member from Connecticut, now a Whig and Abolitionist, "had wandered together on the banks of Green river, with Euclid and Horace between them, searching for knowledge." But now, this former class mate and dear friend confessed a loss of confidence, where no cause could be discovered save that it had fallen to him to be able to speak for the Constitution of a common country.

Mr. Yancey's brief service in Congress, his "peep behind the scenes," as he later expressed it, had implanted in his mind a profound conviction that not there, but in the primaries and conventions of the people, political leadership would, in the future, find its opportunity. The disputes of the sections lay in natural causes. There was little hope of adequate amendment of the organic law of the Union to quiet them. Congress was estopped from its legitimate sphere of action, in such brief and general legislation as became a government of delegated powers, and compelled to enter upon efforts to substitute its own ephemeral acts of mediation, between the sections, for the province of a settled, Constitutional organism. He did not enjoy his office; he did not take readily to perfunctory tasks; he declared to a friend and colleague that his sense of duty lead him into acrimonious discussions on the floor extremely distasteful to him. In his first term of service he had accepted Mr. Clingman's

call to the field and in his second term mutual friends intervened to check a serious difficulty between Mr. Alexander H. Stephens and himself. In June, 1846, he wrote to Governor Martin resigning his seat, with the expiration of the session. A few weeks later he published an address to the people of his District announcing his letter to the Governor. He had no source of income, save in his profession; he had been compelled to make the tedious journey from Washington to the courts of his circuit for the fees. "Duty to a young and growing family" compelled him to make provision for their support and education, which was not possible from his salary as a member of Congress.

The salary of members of Congress was yet governed by the statute of 1818. The pay was \$8.00, by the day, for the session. To this was added forty cents for the mile of travel, both ways, by the "usual route" from the home of the member to the capital. Mr. Clay, speaking in the Senate, in 1851, said it had taken his family an entire day to travel seven miles of the road to Washington, at an earlier period. The stage fare was ten cents the mile, not including meals for the day or expense of delay. It was remarked in the Senate, that some members of Congress were known to charge mileage by extremely circuitous ways. In 1845, and in 1849, on the calls of Presidents Polk and Taylor for executive sessions of the Senate, to convene immediately on the expiration of the respective Congresses, the Senators claimed, and were paid, full mileage both ways for that special session, albeit they had not left the capital. The House denounced the charge on the public funds and, for a time, refused to appropriate the amount, but ultimately yielded.

It was a remarkable letter of resignation the people of the Third District received from their Representative, whose prospects shone easily in the lead of all Representatives of the State. It was the initial utterance of the most decisive and remarkable unofficial future leadership recorded in American politics. To write down the evidences of the public surprise at Mr. Yancey's retirement from office and the evidences of the extent of the public interest manifested in what he would, in future, do in the politics of the country, would be to present his character in the strongest light. Four times in five years

the people, regardless of party affinities, had elevated him to places of honor, ever ascending. "This District is now filled not only with the warmest personal and political friends of Mr. Yancey but also with ardent admirers of his genius, who would prefer him as a Representative to any other man whomsoever;" "If we must have a Democrat from this District in Congress we join the Democrats in deploring the step Mr. Yancey has taken." These extracts from the newspapers of both parties indicate the universality of feeling, not in the District, alone, but in all parts of the State.

The letter of resignation was a bold impeachment of the party whose favors the writer enjoyed, and upon whose strength he could most safely repose for promotion. Enumerating the more important labors he had performed, it announced: He had voted for the annexation of Texas and for a peaceful settlement of the joint occupancy of Oregon with Great Britain; voted for the separation of the government from the bank; voted to restore the compromise with South Carolina, violated by the protective tariff of 1842, in the 1846 tariff for revenue only; voted for Calhoun's bill to reduce, gradually, the price of public lands to twenty-five cents an acre; voted to make the Postoffice self-supporting, because of the different degree of benefit it conferred on the farmers and the commercial classes, the latter class then practically drawing one million dollars from the common fund under the guise of supporting the Postoffice; voted, unsuccessfully, against bills to expend large sums of money by Congress on the improvement of Western rivers, principally, because the new States of that region were Democratic, until corrupted by the expenditure of public funds, because, counting from the origin of the Union, the free States had received \$10,193,000 for such purposes to the \$3,020,000 received by the slave States, while the latter were then paying sixty-three one-hundredths of the common revenues. The summary was:

"In the measures alluded to, however, I have not found co-operating with me those whom you had a just right to regard as Democrats, and with whom you have held political communion in general conventions, when all were pledged to carry out Democratic measures. On the great and vital questions of taxation and disbursement, I have had to encoun-

ter the most active opposition from the entire Democratic delegation from Pennsylvania, with one brilliant exception, (Mr. David Wilmot) and from a large portion of the Democratic delegation from New York. On the question of disbursement, nearly the whole West (there are several noble instances to the contrary), together with the North and East, have been generally opposed to us. In some instances, their spirit of spite has carried them so far as to lead them to vote down an appropriation for defence of a harbor of the South, because the South had, in conscientious discharge of its duty, opposed appropriations for internal improvements. How long you can hope to succeed in carrying out your great measures of reform, if you admit to your councils men who are utterly opposed to them, and who, by union among themselves, are strong enough to control there your nominations and so to word your resolutions as to make them a screen for every political vagary, is worthy of your most serious consideration. My observation here convinces me, that in such a party organization the South, which is the only portion of the party sound on these questions, is used merely to *foot the bill* and to aid in securing to the party a power which shall give to our Northern brethren the spoils. We shall never be able to act with that precision and energy necessary to insure permanent success, until we make, as a *sine qua non* of political fellowship, a strict adherence to principle. Upon the celebrated bank question, had our ranks not been purified of all who were not for us, we never should have succeeded. Upon the far more important question of taxation, the same course, bequeathed to us by the example of Jackson, will alone insure like success. If these measures are Democratic, opposition to them is Whiggery, and should determine our course. If principle is dearer than mere party association, we will never again meet in common Democratic convention a large body of men who have vigorously opposed us on principle."

There was no menace to the Union held out in this letter. It was a plain and palpable plea for natural equity. It was not the voice of an outcast from party that was heard. Voluntarily relinquishing the patronage and emoluments of office, this writer entered upon a self-consecration to the public weal. In the sources of public opinion he planted and nourished into



growth, by the splendor of his genius, a most extraordinary public devotion to abstract principle. Friends deserted him, foes defied him, but the substance of his argument was, an appeal to the intelligence of the people. He threw no false colors upon the current of events. He asked the people not to be deceived. Through fourteen years of unofficial public service the people heard him with ever augmenting interest; heard him expound the theory of American liberty and unfold the proof of the perils which menaced it. "The great man is the lightning, without which the fuel never would have burned." This significant sentence closed the historic letter: "In that private life which I seek I shall ever bear this proud consolation, that I have used every endeavor to represent you in the Congress of the Republic in your character as well as in your politics; and that I represented a people who could appreciate, fully, the motives of my action."

It was a month after the date of Mr. Yancey's address to his constituents that the friend of the South there lauded by him, Mr. David Wilmot, of Pennsylvania, introduced the historic Proviso, to an appropriation bill, which continued to agitate the sections until the dispute involved in it was settled by the sword. Mr. Yancey voted for the Texas annexation bill which recognized the Missouri "compromise," of 1820. The bill to organize the Territory of Oregon came up and Mr. Winthrop, of Massachusetts, moved an amendment prohibiting slavery. Mr. Burt, of South Carolina, moved to qualify Mr. Winthrop's amendment by adding the words, "inasmuch as the whole of said Territory lies north of 36° 30' north latitude." Burt's amendment was rejected by the aid of the Abolitionists. Rhett, Yancey and all leaders of their school voted for the Oregon bill with the Winthrop proviso, accounting the proviso as surplusage, intended by the mover an insult to the slave States, which they could afford to disregard.

In the family of Mr. Yancey, at Wetumpka, lived a young student at law, his half brother, Samuel S. Beman, a Whig. The brothers were devotedly attached to each other. A fall from a horse, in his twelfth year, had injured Beman's spine so that his stature increased no longer. "I love my brother all the more for his infirmity" said Yancey. Governor Martin



ordered an election for October, 1846, in the Third District to fill the vacancy caused by Mr. Yancey's resignation. The Democrats nominated James La Fayette Cottrell, a Virginian by birth, a lawyer of Lowndes county and a gentleman of the highest personal character. The Whigs, who had been wont to declare, that could they bring Beman into the field, with his extraordinary eloquence, they would triumph, even over Yancey, now came out to oppose the Democrats under their young leader. The candidates made joint debate in all the counties. At the outset, it became evident the Democratic candidate must disappoint the expectations of the party, lead for nearly thirty years by Lewis and Yancey, while he was confronted with Beman, the match of either Lewis or Yancey on the stump, in many respects.

More votes were cast for Beman than for Cottrell. Cottrell's legal majority, as counted, was less than twenty-five and he took his seat. A box with sixty-four majority for Beman was delayed by high water too long to allow a legal count. Mr. Yancey was not a resident of the Third District on election day. He had been called upon by party friends to declare whether he would take part in the canvass or whether the love of kindred would be paramount to the warm support the party had given him so recently. He replied openly, that if a resident of the District he would support Cottrell and that he considered the candidate of his party in every respect worthy of election. Late in the campaign, the newspapers declared that the Democratic candidate had circulated reports injurious to the personal character of the Whig candidate. Yancey was at Centreville, Bibb county, trying causes before the Circuit Court. The noonday recess of the court arrived and the candidates, who had just come into town, were ready to debate. Mr. Cottrell was about to open when Yancey walked quickly up the aisle of the church where the people had assembled and engaged him a moment in whispered consultation, then, turning to the audience, declared Mr. Cottrell had been requested by him to deny then and there any participation, on his part, in the scandalous reports concerning his brother's character. This act of justice, as he conceived, had been refused. Mr. Yancey then denounced the reports as slanderous. If of the District, he would surely have supported

the nominee of his party on party principle. "But if he goes out of his way to make up an issue of moral worth in a private way; if he thus offers another issue, he becomes unworthy of the support of good men." The Whigs warmly commended the man who refused to permit the exigencies of his party to silence his conscience; the Democrats bitterly deplored the rashness of so gallant a man whose words came too readily to his lips. The circuit of the courts was followed by Yancey and election day found him at the capital of Autauga county. He avoided appearance at the polls or any expressions which bore upon the contest.

One of the warmest and most steadfast of the personal and political friends of Mr. Yancey, at Wetumpka, was James R. Powell. The prairie planters and hill farmers, the merchants of the sea port, the lawyers and doctors seeking investment for their fees, had talked earnestly, from the earliest history of the State, of connecting the Tennessee river with the Alabama, before railroads were known, by a pike, and, ever after they were known, by steam transportation. The events to be presently related checked enterprise and discouraged the wholesome reciprocity of dependence between enlightened local civil government and an ambitious society. Yancey fell on the verge of decisive industrial evolution in Alabama, of which he was an earnest friend; Powell\* survived to act a leader's part.

Immediately after his return from Congress Mr. Yancey took up his permanent abode at Montgomery as a co-partner, in the law, of John A. Elmore. He bought a farm five miles from the city on the ferry road in a northeasternly direction, and moved to it the residence he had occupied at Harrowgate Spring. His practice, however, required his fixed abode to be at Montgomery. At the farm, he immediately put in practice the purpose he had in view, when he bought the small place in Coosa, of diversified farming to the extent of his means. Between the co-partners an enduring personal respect and admiration prevailed to the end.

Yancey's early law co-partner, Sampson W. Harris, succeeded him in the State Senate, and succeeded him in Congress

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\*The first president of the Elyton Land Company, the founder of the city of Birmingham.

at the first regular election after his resignation. He was chosen at five successive elections, defeating the strongest men — Hunter, of Dallas, Mudd, of Jefferson, Moore, of Lowndes, and Martin, of Benton, (Calhoun) and died at his post of duty at Washington. Few men of Alabama possessed a higher culture than he, of mind or heart.

## CHAPTER 6.

### The Abolitionists.

The discovery of the New World and the dispossession of the aborigines found in it ; the discovery of African labor and the American commerce established in it, if not allowable as incidences of natural law were, nevertheless, bonafides of society ; the most important events in the history of civilization, and were, in fact, evidences of actual escape out from the *vis inertiae* and sentimentalism of usage, into which the institutions of the most advanced nations had fallen, upon the wide and fruitful plane of political economy. The discovery of African labor was an American enterprise. It was the introduction of a hitherto unknown muscular force, proving, on trial, to be the most perfect agent of production then known to commerce. So ductile and efficient was it, and so limitless of supply, that it spontaneously assumed a quasi-mechanical relation to capital employed in production. It was the essential fact, premonitory of the advent of the age of mechanics and political economy. The American "plantation" was the first example of combination in capital and labor under legally established rules to effect general commerce. In the principle of mutual dependence of capital and labor, first established in the plantation, originated the wage or factory system. The plantation economy forced revolution upon the world's commerce and compelled a radical re-organization of social order in commercial nations. The plantation system delivered, by fixed system, its own products to the

operation of the factory system, and thus set in motion irresistible influences of social activity and enlargement, unfavorable, ultimately, whether in speedy or slow process, to all oppression or bondage of man over man. In both the plantation, or original system, and its creature, the factory system, the principle of division of profits of labor was recognized as the basis of its equity. Both distributed directly or indirectly better food, better clothing, better shelter and provided better care of the old and the young than the beneficiaries had previously enjoyed. Both inevitably tended toward an ideal of self protection, founded upon the physical, mental and moral good to be imparted, in their operation, to the labor involved.

Slavery, it is unnecessary to say, was the favorite institution of Chaldeans, Israelites, Greeks, Romans, Saxons from whom American institutions descended and was, by all, left to be determined, in its survival or extinction, by the convenience of the State. Before African labor entered America, the "redemptioners" of New York, the "indentured" of Virginia, the "contract servants" of Georgia — all white slaves, subjects of commerce in their bodies, regulated in their marital rights, governed in their social intercourse by written passes signed by their masters, liable to be flogged, to be branded, to be dipped in water at the discretion of their masters — were common enough. The superior economy of African slavery over all other forms of involuntary servitude and the silent operation of the expanding principle of liberty, set free the Europeans from their bondage in America. The "soul driver," as the Quakers termed the merchant dealing in white slaves, lost his occupation in New York and Pennsylvania when the New England ship master began to deliver cargoes of Africans to serve a better end. In 1670 Virginia imported fifteen hundred white slaves and two thousand Africans, but, after that date, the superiority of the latter becoming evident, the traffic in the former waned and gradually perished. Social reformation and African importation moved apace. The whipping post, the branding iron, the law of entail and primogeniture, the established church, imprisonment for debt, execution for witchcraft, proscription or death for religious faith brought to the colonies, with other customs of the mother country, gave way as the States prospered under the new American

industrial factor, African labor. There was nothing new, but rather time-honored, in the relation of master to slave. All was new and unprecedented in vigor and high purpose in the relation of African labor to commerce by sea and enterprise on land, throughout the world.

The title to African slaves in America was a British title, derived from the crown, until the colonies became independent States. The crown granted licenses to slave merchants and derived great profits in the sales. The federal Constitution constructively affirmed the British title by recognizing the slaves as subjects of taxation and otherwise, and by forbidding Congress to interfere with the importation of more Africans, "prior to" the year 1808, by any of the existing States. African slavery is distinguished in its history by the fact, that it preceded all municipal law wherever it was planted. Trade in Africans prevailed forty years in Virginia before a statute relating to Africans was enacted. The race was systematically introduced into Georgia in defiance of an express prohibitory clause of the charter of the colony.

It has been the custom of modern writers to ignore the feeling in the Southern States unfavorable to an indefinite extension or prolongation of the life of the institution of African slavery, and to conceal the fact that the defence of the institution was ultimately involved in the preservation of public liberty. I well remember slave-holders, actors in the nullification episode of South Carolina, many years later, who were wont to relate that being, before then, in favor of gradual emancipation they had, after then, merged their opinions on that topic in the superior issue of defence against the combined parties of Mr. Clay and Mr. Adams.

The happy effect of the substitution of African slavery for the slavery of other races in America is not difficult to trace. Bancroft, writing of the attempt of the Pilgrims to enslave the aborigines of Massachusetts, says: "So perished the princes of the Pakonokets. Sad to them had been their acquaintance with civilization. The first ship that came on their coast kidnapped men of their kindred, and now the harmless boy that had been cherished as an only child and the future sachem of their tribes, the last of the family of Massasoit, was sold into bondage to toil as a slave under the

burning suns of Bermuda." An active trade in red men from the neighboring continent proceeded with the West Indie planters, but the proud warriors, refusing to toil, "died with rapidity too shocking to contemplate." The loveliest land on which the eye of explorer ever rested, tall mountains clad to their summits with rose wood and blooming vines, valleys deep carpeted in flowering grasses of richest hues, with brooks and clear streams flowing to the sea, was San Domingo — "Paradise," Columbus exclaimed. The French came, found not a beast of prey or a venomous reptile; found the natives, a race small of stature, light of color, peaceful and somewhat devoted to agriculture. To open plantations by the labor of the enslaved "indigines" the French settlers devoted many years. Unable to discharge their tasks, the miserable people sunk to decay. Parents sought self-destruction, offspring came into the world deformed idiots. The noble Las Casas came, witnessed the degradation of the French Island, passed over to the Spanish Island where prosperous Africans and blooming plantations met his view. Hastening to his king, he besought him to terminate the oppression of the indigines by the sale of a license to import Africans to the French. Genoese merchants bought the privilege. Immediately the face of the land underwent a wonderful change. In a few years, with the black man in the place of the native in the fields, San Domingo was clad in the beauty of great enterprise. Continuous plantations of sugar, coffee, cotton, were joined by beautiful roads. The planters lived in luxury; four hundred ships annually sailed from its ports laden with its rich products and, in less than fifty years, one-half the sugar consumed by Europe was borne in their holds. It was not ancient slavery of class but modern servitude of race that had redeemed the Island. Labor shared then more evenly the profits of enterprise. The system of division was modern in the highest sense of modernity — it secured a reciprocity of benefits to labor and capital. Sir Archibald Alison has written of it: "The negroes who, in a state of slavery, were comfortable and prosperous beyond any peasantry in the world, and rapidly approaching the condition of the most opulent serfs of Europe, have been by the act of emancipation irretrievably consigned to a state of barbarism."

In 1789, two years before emancipation in San Domingo, the production of sugar was 672,000,000 pounds, fifteen years later it had fallen to 47,516,351 pounds, thirty-five years after emancipation it was given at 2020 pounds, and a few years later had ceased altogether. Squalor, petty wars, ignorance and brutality reigned supreme on the Island, but the "principles" of Robespierre and Marat had taken effect. License prevailed; liberty was not.

In 1717, France chartered the Western or India Company to settle the Louisiana country of unknown boundaries. Authority was granted the Company to settle six thousand whites and half the number of blacks, annually, on its lands. The first ship loads of whites preceded the blacks, intending to prepare for them. March 17, 1721, a slaver arrived at Mobile with three hundred and twenty-one Africans; four days later a cargo of three hundred and twenty-eight arrived, and soon a third cargo of two hundred and thirty-eight. Half of the cargoes had perished on the passage. The whites already there were in the greatest extremity of suffering from the climate, and were upon the verge of starvation. The forests at once supplied the imported savages with food; their labor began at once. A new face was put upon the colony. Indigo, tobacco, cedar posts, square pine timber, tar and other exports were made ready. A cotton gin, eighty years in advance of Whitney's machine, was invented and put into use — two long iron rollers, grooved and turning in opposite directions. Governor Bienville issued his proclamation forbidding miscegenation and announcing other restraints and customs for the relation of the races, many of which survived, in the Gulf States, for near a century and a half. A vain attempt was made by the Company to establish colonies on the lower Mississippi; especially in what is now Arkansas, without the aid of the negroes. Wherever the blacks came, however, prosperity and content followed, and by 1728 "Louisiana," where two thousand of this race cultivated fields of cotton, grain, tobacco and indigo, was rejoicing in great success.

At the General Sessions of Peace Oyer and Terminer, Assize and General Gaol Delivery holden at Charleston, South Carolina, October, 1769, Chief Justice Robert Pringle presiding, Rawlins Lowndes and George Gabriel Powell, "Assistant"



Judges also on the bench, the Chief Justice charged the Grand Jury. After mentioning the change of the law, against horse stealing, from the penalty of death to "the loss of one ear or flagellation, or whipping," urging that the law for the protection of negroes from cruelties be enforced, that negligent highway Commissioners be heavily fined and that the "militia and patrol acts," intended to "prevent insurrections or danger from that quarter" should have strict attention, the charge proceeded:

"The laudable and great industry of the inhabitants of this colony has rendered it the most opulent and flourishing colony on the British Continent of America. And its various and valuable produce increases in proportion to its number of inhabitants and extent in trade; the quantity of rice now produced being double to what it was twenty or thirty years ago. What was then considered a good crop did not exceed fifty to seventy thousand barrels, and now, for some years past, the crops of rice have been near double that quantity; so that, gentlemen, it evidently appears that the industry of the inhabitants has been crowned with remarkable success, and as this is a land of industry and plenty, so it is to be hoped, will likewise continue a land of freedom and liberty. \* \* I am also to recommend to you the promoting and encouraging of good seminaries of learning in the colony as an object very worthy of your particular notice and attention, and which are greatly encouraged and attended with such success in our Northern colonies — the want of which here lays this colony under many disadvantages and inconveniences: for instead, gentlemen, of having the comfort and satisfaction of having our children educated at home, under our eye and inspection, and obtaining a liberal education among ourselves, we are obliged to send our youth to England, or to the colleges of the Northern colonies for their improvement in literature, art and the sciences, which is a great inconvenience, besides the expense and the occasion of money going out of the colony especially as this colony can as well afford to erect, maintain and support a college as any of the Northern provinces whatsoever."

So much for the slave country. Of the up-country, the Chief Justice spoke: "And it is likewise to be much wished and hoped for, gentlemen, that our Legislature will think it necessary, and for the general welfare of the colony that ministers may be appointed, and public schools erected for the benefit and instruction of the poor people in the interior parts of the colony where they live in great ignorance; the want of which has, in a great measure, occasioned the riots and frequent disturbances and commotions that have happened in

remote parts these two years past, and which still continue in some places as they have of late opposed, and will not suffer the King's writs," etc.

In the eighteenth century, Americans admitted to the London Inns of Court to plead at the bar, numbered one hundred and thirteen. Of this number, eighty-three were registered as from the colonies known as agricultural colonies, and of those so registered forty-four were from South Carolina. Before the revolution, St. Philipp's and St. Michael's at Charleston were built. Original paintings of half score of the most noted artists of Europe adorned the walls of spacious and beautiful private mansions. The St. Cecilia Society, for the cultivation of music, was founded; and a public library incorporated. In 1775, South Carolina had one newspaper to twenty thousand inhabitants, and Massachusetts one to fifty thousand two hundred and eighty-five.\* The experience of Georgia, under a royal charter prohibiting African slavery and encouraging the importation of German servants, is extremely significant. This colony was set aside by the king of England as a refuge for the poor of all Europe and especially as an asylum from religious persecution. Oglethorpe, a gentleman of noble birth, of rare virtues and a member of the House of Commons, was selected as Governor. The colonists were distributed along the Savannah river, from the town of Savannah as far up as Augusta. They were encouraged to produce wine, silk, raise cattle, collect skins and wild honey for export. Lieutenant-Colonel Cook, who was second in command to Oglethorpe, did not share in the prejudices of the king, the Company and the Governor against the Africans. John and Charles Wesley came, but took no part in the discussion prevailing through the settlements on the policy of introducing the blacks. Meantime, the South Carolinians, who settled Augusta, employed black slaves and raised fine crops, while the German servants utterly failed in the settlements below. Whitefield came and, seeing the condition of affairs, wrote to the Trustees urging relief of the settlers by a revocation of the order against importing the blacks. He declared the people were gloomy and poor and

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\*Hist. Higher Education Pub. Doc. Number 4. p. 228, Gov't Printing office, 1889.

many were preparing to abandon their land to go over to South Carolina where black labor and plenty were found together. The principal export of the colony was timber, yet this cost just twice as much to deliver by the white labor of Georgia as by the blacks of the other side of the river, where there were eight blacks to one white. One German servant would cultivate five acres of land. The value of the corn and pease his labor would produce was less than the wages paid to him. The high pine land, which white hired men alone could cultivate, would produce twenty bushels of corn and forty bushels of pease the first year, and, on descending scale, produce nothing the fifth year. The contrast of this result with the rice swamp lands of South Carolina where the black man worked in comfort, was wonderful. The production of rice increased annually and the bulk of the product was enormous. The ship masters of New England and Old England, ever ready to promote commerce in black men, exerted their influence to create discontent in the Georgia settlements with the anti-slavery regulations. A pamphlet was prepared by the leading settlers, Telfair, Anderson, Douglas, for the enlightenment of the Company, announcing the earnest wish of the people to have the blacks. The whites could not hue timber and hoe crops in that climate, they said. "Such work causes inflammatory fevers, fluxes, colics, dry belly aches, tremors, vertigoes, palsies, etc." "The Board of Trustees have ruined Georgia (they continued) chiefly from denying negroes, and in persisting in such denial, after, by repeated application, we had humbly demonstrated the impossibility of making improvements with white servants."\*

The combined demand of the white settlers and the ship masters brought many Africans, and the progress of Georgia set in. In twenty-five years from the beginning of the African slave trade with its coast, the drooping colony was ready to join in the movement for Independence on terms of, at least, approximate equality with her rebelling sisters.

It is well remembered now that a public road leading from Cahaba to the capital, Tuscaloosa, was called, in the first twenty years of the statehood of Alabama, "the widow's road." The highway bisected a fertile belt for many miles.

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\*Prof. Scomp, in *Mag. Amer. History*, 1888.

Thither many young farmers with their wives and children came from the mountains of North Carolina, South Carolina and Tennessee, tempted by the high price of cotton and the proximity of the rivers to float the crops to a safe and convenient market. Bravely they cleared the fields in winter and spring, only to fall victims in summer and autumn to the deadly malaria. The "widow's road" became at last the warning, known far and wide to non-slaveholding farmers, to avoid the rich lands for the hill country to the north or the piney region to the south. The black man came, and in Alabama, as in Georgia, the problem of prosperity was solved and Democracy made sure.

Facts which go to prove the discovered material economy, African slavery, cannot be held to justify the origin of the institution. Neither the status of slavery, or savagery, or any other inferior existence of man is derived of abstract right. The experimental character of the institution in the United States presents some curious and extremely determinate aspects. Put on trial, faithfully, in the navigating States, it failed as an economy, so that an early period negroes disappeared from the fields there, to be found only as domestic servants of the rich; thus the blacks having driven out the "redemptioners" became themselves freed in normal action of economic forces. Taking up the economic character of slave labor in the agricultural States, or, as they were later known, the cotton States, in another place I shall endeavor to show that in its very profitableness was prepared for it a self-extinction. There is last to be considered the political effects of the institution on the British American colonies in preparing them to sustain a revolution for their Independence and in qualifying the States to form a voluntary Confederation on the basis of reciprocal benefits and duties.

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\*The following advertisements serve to show the peaceful and orderly method adopted in the navigating States to relieve themselves of the negro population. Trading vessels for the South and West India took them off for sale.

*From the Constitutional Journal and Weekly Advertiser:*

A NEGRO WOMAN FOR SALE.

BOSTON, JULY 4, 1776.

To be sold, a likely young negro woman that understands house work, common cooking, etc., has had small-pox. Enquire of the printer.

*From the New England Chronicle:*

RUNAWAY.

BOSTON, JULY 4, 1776.

\*Runaway from me, the subscriber, a negro man, named Sam, about 5 feet

The following statement not only indicates that an abounding prosperity must have existed in the colonies when they undertook the cause of Independence, but, also, that prosperity was evenly distributed. What one section of the Confederation needed in commerce the other was able to supply. Upon the fact of social equality their political union became convenient and possible.

FROM THE CENSUS OF 1790.

POPULATION.

NAVIGATING STATES.		AGRICULTURAL STATES.	
White.....	1,931,206	White.....	1,241,168
Colored.....	55,379	Colored.....	701,986
Total.....		Total.....	
1,986,675		1,943,154	

Showing a difference of 43,521 in favor of the North, or the navigating States.

COMMERCE.

EXPORTS.		EXPORTS.	
Pennsylvania.....	\$3,436,093	Virginia. . . . .	\$3,130,865
Massachusetts.....	2,519,651	South Carolina.....	2,693,268
New York.....	2,505,465	Maryland....	2,239,691
Connecticut.....	710,353	North Carolina.....	524,548
Rhode Island.....	470,131	Georgia.....	491,250
New Hampshire.....	163,500	Delaware..	184,379
New Jersey.....	26,988	Total.....	
Total .....		\$9,264,001	
\$9,832,181			

The small difference in favor of the export commerce of the navigating States was more apparent than real. The coasting trade delivered no inconsiderable part of the commodities of the agricultural States in the ports of the navigating States, and the latter received credit from the

6 inches high, 30 or 40 years old. Had on, when he went off, a light crimson colored coat; his upper fore-teeth stick out; speaks good English; has been nineteen years from Africa. Whosoever takes up said negro and returns him to me shall have one dollar reward.

(Signed.) JOHN HUNTER.

N. B: All masters of vessels are hereby desired not to harbor or conceal or carry away said negro, so as to avoid the penalty of the law.

From the Penn Journal and Weekly Advertiser:

July 17, 1776.

To be sold, a large quantity of inch pine boards that are well seasoned. Likewise, a negro wench. She is disposed of for no fault, but only that at present she is with child. She is about 20 years of age, has had the small-pox and measles, and is fit for town or country business. Enquire of the printer.

From the Continental Journal and Weekly Advertiser:

BOSTON, OCT., 26, 1780.

To be sold, a likely negro boy, about 13 years old, well calculated to wait on a gentleman. Enquire of printer.

Also, to be sold, a likely cow and calf. Enquire of the printer.

re-shipment of the same articles under the general head of "exports."

The political effects of African labor in America are not problematical, and are profoundly interesting. The heroism which impelled the union of the colonies in the struggle for Independence was born of common ambitions founded on equality of social attainments. The attained status of social equality was phenomenal. From Massachusetts Bay to Savannah a homogeneous people lived and prospered alike. The wealthiest planter and most polished gentleman of South Carolina, Mr. Izard, married the daughter of the aristocratic Lieutenant-Governor of New York; Gueveneur Morris married Miss Randolph, of Virginia. There is no room for doubt of the origin of the prosperity which blessed all, in the commerce afforded by the plantations. Nor can there be room for doubt, that the early period of the eighteenth century witnessed the achievement of Independence and Constitutional Union, because of the preparation for those events laid in the marvellous material development, which had been then accomplished and diffused by African labor. The main industry in Massachusetts, on land, in the colonial times, was the manufacture of rum from West Indie molasses, and in this industry she employed a capital of half million dollars. An active trade was pursued by the New England States in exchange of spermaceti, whale bone and salt fish for rice, molasses and tobacco. It is difficult to discover where the New England commerce could have found a field so inviting as the plantations opened to it. Indeed, it is certain no field of corresponding advantages any where else existed. It is difficult to say that New England was not dependent absolutely upon that trade; not only upon the products of labor yielded by the plantations, but upon the richest of all commerce, the traffic in Africans. The question is not to be suppressed: Of what importance to the settlement and development of the coast lands of the agricultural States was African labor?

Many are the evidences of history which attest the strangely interesting character of the African transplanted to America. In his native land he had already reached the most abject degradation. If upon landing here, he was consigned

to bondage, it was a low condition with a silver lining in place of a low condition without hope, to which he had been born. The "middle passage," barbarous as it might be, was less of a barbarity inflicted on him than his constant experiences in Africa entailed upon him. What would have been the fate of the Southern part of the British American possessions had the African not come? Whence would have come the immigrants in the seventeenth and eighteenth centuries to America and where would they have settled, had African labor not been available? The English came to the region south of the Potomac, bred to the common law, brought African labor and determined the question of American Independence, at the time it was accomplished. The experience of American settlement does not justify the prediction that Englishmen of the class, which settled the southern Atlantic coast and developed it with African labor, would have immigrated in large numbers to the Northwest Territory, where the African could not go. The English colonist alone brought with him the knowledge and love of the common law necessary to the achievement of Independence and the erection of a Republic. Germany and France had once the same happiness and the same privileges that had been transported, by Germans, to England but had fallen to a miserable condition. German, Irish and French might have colonized the Northwest and prospered in their own labor, but colonists of those nationalities would not have met in Continental Congress, in 1774, nor declared Independence, in 1776, nor fought for it under the political conditions under which Washington and Greene achieved it, however numerous they may have been.

The slave colonies, or the colonies where the African labor seemed to be permanently established, had less to gain, and more to lose in the risks of the movement for liberty. The mother country encouraged agriculture, upon which they thrived, but discouraged commerce and manufactures, necessary to the prosperity of the navigating States. The agricultural States maintained a safe monopoly of production in their pursuits, but England and France were powerful contestants for the fisheries in the Northern Atlantic where New England seamen toiled. When the revolution broke out the navigating States owned three-fourths of the tonnage which carried



American products, Europe owning the remainder, and to protect this growing American interest, American Independence was necessary. The Union, under the Constitution, promised far more of relief to the Northern than the Southern States, for, when it was formed, American bottoms were practically taxed out of the ports of Liverpool, Bordeaux, Lisbon, Amsterdam, the Canaries and the West Indies, while the flags of all nations sought the Southern trade.

Refusing to take root in the less abundant resources of the North, African labor fixed, with eagerness, its marvellous power in the varied and exhaustless wealth of the South. So harmonious did the institution appear with the spirit of political progress, that in the chief slave colony originated the scheme of American Independence; and for the same community was written, by one of its sons, a slaveholder, the first Constitution embodying fundamental principles of liberty, to be placed in the public archives, to be read of all men, that ever was written in the history of modern nations — the Constitution of Virginia, Thomas Jefferson's work.

A digest of the federal Constitution, to show the benefits conferred upon the sections, respectively, will indicate the compromissorial nature of its provisions.

#### AS TO THE NAVIGATING INTERESTS.

Sole power was vested in Congress to regulate commerce;

Free trade between the States was ordered;

Import duties were allowed but export duties were prohibited;

Sole power to coin money was vested in Congress;

A judiciary was created with authority to determine a wide range of questions, the volume of which then arose at the North.

#### AS TO THE AGRICULTURAL INTERESTS.

Fugitive slaves escaping from one State to another were required to be delivered up;

A guaranty that the African slave trade should not be prohibited by Congress, in the States then permitting it, "prior to" 1808; and that the import tax on African slaves should not exceed \$10, and three-fifths of the slaves should be



apportioned for representation in Congress and in the electoral college.

In 1808, Benjamin Lundy, a youth, a New Jersey Quaker, left his home where African slavery yet prevailed, drifted down the Ohio and stopped at Wheeling, Virginia. A saddler by trade, there he opened a small shop. Wheeling was an important slave mart. Wild Africans, often in chains, were brought there to be sold on the block, to the farmers of Kentucky and Tennessee and the planters of the lower Mississippi Valley. Brooding in discontent over the scenes daily passing before his unwilling gaze, the young Quaker packed his stock in trade and, taking his departure in search of more congenial environments, established himself, once more, in business at Clairsville, Ohio. At that place, in 1815, he put in motion the first of those revolutionary organizations having for their object the destruction of slavery. In less than a twelve month the Clairsville Abolition Society carried five hundred names on its roll. Auxiliary Societies were organized. The care of the whole movement devolved on Lundy and the better to promote it he took his tools and stock to St. Louis, sold them and with the proceeds returned to establish a newspaper, an organ of the Society. So came into existence the *Genius of Universal Emancipation*, nominally published at Mount Pleasant, Ohio, but really printed at Steubenville, twenty miles distant, on a hired press, and brought on the back of the editor and proprietor, walking the whole way, for distribution once a week. Six subscribers only were obtained for the first edition. The numerous members of the Society were willing to spend long winter evenings in hearing solemn harangues, on the evils of slavery, which involved no extra charge but declined to support the organ edited by an enthusiast barely able to write legibly, so limited was his education. Hearing at length of the failure of *Umbree's Emancipator*, at Greenville, Tennessee, and anxious to penetrate nearer to the seat of the slave power, Lundy left his wife and children to undertake, on foot, the perilous journey over the mountains to that place. He revived the *G. U. E.*, as he phrased it, at Greenville, on the press and type of Umbree, learning, after a clumsy fashion, to set type himself.

In the three or four years his paper remained at Greenville, he travelled in the Northwest, lecturing against slavery. He went secretly twice to Texas, passing through the slave States. He went to the West Indies to study the history of slavery and slave insurrections there. He left agents in every part of the slave States visited by him. Hearing of Vesey's outbreak, at Charleston, he wrote and published in his paper, at Greenville, the following lines :

“ How ! faint hearted son of sorrow  
Dost thou repine at fate !  
Thou who hast not seen to-morrow,  
Rush on death and force his gait !  
“ Go once more and serve with patience,  
Weild again the pond'rous sledge,  
Soon the blacks shall form free nations,  
San Domingo is your pledge.  
“ Quick the cherub spread his pinions,  
Vengeance blazing in his eye !  
Down with tyrants and their minions !  
Nations heard and joined the cry ! ”

Abolition papers were destroyed in North Carolina and Missouri. Rev. Mr. Lovejoy, taking an Abolition press and outfit from St. Louis, where it had been interdicted, to the interior of Illinois, was attacked, his property thrown into the river and himself slain. Lundy found it prudent to move the *G. E. U.* from the more central location of Greenville, to Baltimore. There he was joined in its publication by a young Bostonian, William Lloyd Garrison, Garrison assuming the part of writer of the more radical paragraphs. The inflammatory editor was soon arrested as a disturber of the peace, greatly to the joy of himself and his coadjutors. Mr. Tappan, a wealthy merchant of New York, signed his bond and, being released from prison, he repaired to Boston and there established the *Liberator*, without a dollar of capital, living meanwhile in dire poverty. His appeals to the merchants for advertising patronage were repulsed with scorn. They would do nothing to the prejudice of their Southern trade ; Southern merchants required six months credit and Boston jobbers willingly gave it, yet would they do nothing to put in jeopardy their accounts ; “ besides (they said) negroes are unfit for self-government.” The people of Boston refused to allow the *Liberator* to be left on their door sills. Nevertheless, the following year its editor

founded the New England Anti-Slavery Society which quickly absorbed all similar organizations. It was said by intelligent people of the North, in after years, that the successful work of this Society was to be attributed, in no small measure, to the preceding labors of agents of Mr. Clay's colonization scheme, or alleged agents. These, oftentimes, were clergymen, to whom pulpits in the towns were surrendered to make known their philanthropic endeavor. They solicited pecuniary aid to deport to Liberia the free colored population of the North. Persons of color, resident in the free States, it was said, were captured and taken in chains to the South, where they were sold into slavery in large numbers. The better to impress their audiences with the horror of this traffic, chains alleged to have been used to bind the victims of it, were held up in the pulpit, to the view of men and women. Lundy, disheartened at the arrest of Garrison, moved his paper to Washington, thence to Philadelphia, where it was burned by the populace. Among other later popular demonstrations against the press of the Abolition party, was the seizure of the newspaper of Cassius M. Clay, at Lexington, Kentucky. The entire machinery was carefully packed by the populace and shipped, in good order, to a responsible agent at Cincinnati, on the presumption that it would be welcome there.

Exeter Hall relaxed not in its support of the Anti-Slavery Society. Wellington's denunciation availed nothing to turn the energy of its course. In every free State auxiliaries of the parent Society were rapidly formed. In less than two years, from the birth of the Society, on December 4, 1833, sixty-three delegates, representing twelve free States, met in the first Abolition "National" Convention at Philadelphia. There the Republican party of this day was born. The hotels refused to receive the delegates. The boarding houses offered only closed doors to them. The mob loudly threatened with the torch any door that should open to them. A few delegates, more fortunate than their associates, succeeded in gaining admittance to a landlady's shelter. Her regular customers, discovering the mission of the fresh arrivals, waited on her to demand their immediate expulsion. An immense and indignant crowd assembled in front of the Hall where it was announced the convention would sit. A strong force of police

opened the way to the delegates, but, in resentment, the Hall was ultimately burned to the ground by the mob. A clergyman was chosen to preside. The poet Whittier and Tappan were appointed Secretaries. Agents were appointed to be sent forth into every State of the Union, charged "to warn the churches to be purified against the coming of the Son of Peace." Tracts and newspapers were to be distributed everywhere, "to exhort the people to flee from the wrath of God."

The revolution was finally organized. President Jackson, in his annual message to Congress, bitterly denounced the Philadelphia meeting.

The Society established a printing house at New York, assisted by Exeter Hall. Garrison went to England to induce the noted Abolition orator, George Thompson, M. P., to visit America. The Englishman landed at Boston. Appointments were announced for him to speak and the people were assembled to hear him. Public indignation rose so high that he was compelled to flee to the cover of a vessel and make his way back to his own country. The Misses Grimke, members of an old family, of Charleston, manumitted their slaves, took up their abode at Boston and were the first females to speak in public for the scheme of the Society. The Society raised a fund to establish a large negro school. The news spread that New Haven, Connecticut, was the city selected for the site. The mayor, at the head of a large body of citizens, solemnly protested to the originators of the project. In Vermont, some farmers, celebrating the anniversary of Independence, in the vicinity of a negro school, after dinner hitched their oxen to the building, to the front and rear, and pulling in opposite directions, dragged the structure to ruins. At Utica, New York, the Abolitionists assembled in a church with closed doors. "Better the town be laid in ashes than bear the shame of one Abolition Convention," declared a town meeting called to consider the situation. A committee was appointed to proceed to the church and demand the final and immediate adjournment of the Convention and promptly enforced their instructions.

Garrison, Rev. Theodore Parker, Wendell Philips, Gerrit Smith and numerous female lecturers and a practically united clergy, in the East, Salmon P. Chase, Joshua R. Giddings,

political leaders, and a large part of the clergy of the West, poets, essayists and journalists in all the North, canvassed and agitated that section, ceaselessly. The Society sent, on salaries ranging from \$20 to \$50 a month, spies, informers and incendiaries, under the guise of book agents, peddlers, singing-masters, into the South. At Nashville, a divinity student was found selling bibles wrapped in incendiary documents, was taken to the public square, flogged and drummed out of town. At St. Louis, a convicted felon, a school teacher, Charles Brown, confessed at the gibbet his connection, as agent, with the Society. A peddler of garden seeds, in Virginia, a ditcher, in South Carolina, a confidential clerk, in Georgia, were found to be agents of the Society. July 29, 1835, the United States mail steamer, *Columbia*, arrived at Charleston, from New York, bearing the mail for all the Southwest. Suspicion being aroused at the unusual bulk of printed matter deposited for distribution in the Southern mails, inquiry was instituted, exposing blank certificates of freedom, pamphlets, catechisms, illustrated tracts, sermons of the most incendiary character, sent out by the publishing house of the Anti-Slavery Society at New York, to its agents throughout the South. The city was at once thrown into a profound excitement. The two daily journals, the *Mercury* and the *Courier*, plead for quiet. Ex-Governor Hayne addressed a mass meeting, beseeching the people to commit no outrage and advising that a protest to the Department at Washington be sent complaining of the use of the mails in a bold endeavor to incite to insurrection. Ex-Governor Wilson spoke in different tone. The mob broke into the postoffice, seized the incendiary publications and burned them in the public square, in the presence of a great multitude. President Jackson urged Congress, at its meeting in December, to enact stringent laws denying the mails to the Abolition literature. Mr. Calhoun was made chairman of a special Senate committee to consider the President's recommendation. The committee reported against the power of Congress to determine the freedom of the press, but advised that each State should be authorized to deny the distribution, within its own boundaries, of mail matter objectionable to the State. The bill reported by Mr. Calhoun, being put upon its passage, was met by a tie. The vice-President, Mr. Van

Buren, gave the casting vote for it. Only two Senators from the free States, James Buchanan, of Pennsylvania, one of the two, voted yea; seven Southern Senators, Whigs, voted nay.\*

Some account of insurrections and the threat of insurrection is indispensable to expose the mind of the African, in bondage, as the period of bondage advanced, to reveal the terrible energy of the Abolition movement and to explain, somewhat, the just complaint of the South. In the early years of the eighteenth century there were bloody insurrections in the Northern States. In 1741 a mere false alarm of outbreak in New York resulted in the execution of thirty-three negroes.† The Southern people were better masters and more trustful of their slaves than the people of the North. Slaves in the South were owned in larger bodies and being constantly employed, at one pursuit, were more easily controlled and educated in peace than in the North, under different industrial conditions prevailing there.

On the night of August 10, 1800, the first recorded important attempt at insurrection in the Southern States occurred. A few years before that time the Humane Society, organized in Pennsylvania and New York, planted a branch at Richmond, Virginia. Gabriel, a slave, gathered a few sympathizing slaves from the farms in the vicinity of Richmond to lead in a night attack on the city. A shower of rain raised a small stream on the line of march, the expedition was abandoned and the rebels returned home. The leaders were arrested and executed, offering no excuse for their conduct and avowing they had no cause of complaint.

June 10, 1822, Denmark Vesey, a West Indie mulatto, free, of Charleston, South Carolina, a carpenter by trade and a property holder, organized a conspiracy to murder the whites of the city and burn their houses. A year or two before this time Benjamin Lundy had traversed the Southern States and sailed from the Southern coast for the West Indies in the interest of the Abolition Societies he had organized in the West. A gentleman's body servant exposed Vesey's plan.

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\*The census returns of 1840 show the loss in escaped slaves to have been more than \$1,000 000 annually for the ten preceding years. As the negro lost the savage instinct by domestication and as the slave became less a subject of commerce, remaining an inheritance to succeeding generations of the same family of owners, the escapes were greatly reduced. They numbered one-thirtieth of one per cent. in 1850, but in 1860 had fallen to one-fiftieth of one per cent.

†Eggleston's Hist. U. S. p. 106.

One hundred and thirty-one arrests of negroes of Charleston were made and thirty-five were executed.

August, 1831, Nat Turner, a slave, headed an insurrection in Southampton, Virginia. At that time Lundy and Garrison published the *Genius of Universal Emancipation* at Baltimore, in easy communication with the seat of the disturbance. Sixty-one whites were killed by the rebellious negroes and over one hundred negroes were killed by the avenging whites. (Moncure D. Conway's account.) The Governor assembled the Legislature, in special session, to consider the race question in the State. Thomas Jefferson Randolph lead in debate, urging gradual emancipation. Turner declared his master had always been kind to him, and he had no complaint to make against any of his white neighbors. 'The spirit of the Lord had moved the act, he alleged.

In the year 1835, the most elaborate efforts of the Anti-Slavery Society were made to precipitate a general insurrection. No cause for apprehension seems ever to have been so universal throughout the South as was discovered in the events of that time. The mails had deposited, besides at Charleston, at Richmond and Mobile large quantities of incendiary publications, with many wood cuts showing the extremest degradation of slavery. Agents were sent out to organize the movement of blacks against whites. At Beattie's Bluff, Madison county, Mississippi, the plan was revealed to his master by a slave. It was shown that the States, from Maryland to Texas, were included in the one general uprising to be put on foot. White men, a low class of adventurers, had been placed at points in communication with each other, throughout the Mississippi Valley cotton region where the work was expected to begin. At these points arms and ammunition were provided. At Vernon, Mississippi, July 4, 1835, the outbreak was to be inaugurated by a general slaughter of the whites and the burning of their houses. At Vicksburg, Ruel Blake, a white leader, was captured and hung. Hunter, a white leader, was seized in the Yazoo Valley and hung. Extreme leniency was displayed toward the negroes, as very few seemed to have displayed any sympathy with the white emissaries.\* A meeting of planters assembled

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\*Clinton, Miss., Gazette, July 11, 1835.



at Prairie Bluff, in Wilcox County, Alabama, on the Alabama River, October 11th, following the news from Mississippi, and passed the following resolution :

“Our right of property in slaves is fixed and guaranteed by the federal Constitution, and we regard the acts of the Anti-Slavery Society at the North as a fearful crime and as treason against the Union.”\*

While disturbances of this character were proceeding, the Georgia Legislature offered \$5,000 reward for Garrison, if caught in the State. A public meeting at Montgomery, Alabama, offered \$5,000 reward for his capture and delivery to the State authorities. A public meeting in Louisiana also offered a reward of \$5,000 for the delivery of his person to the State authorities.

Following the massacre of San Domingo, the other West Indie Islands expelled the free blacks and forbid their return under severest penalties. Five of the banished ultimately arrived at Wilmington, North Carolina. The citizens sent a petition to Congress praying an act prohibitory of the landing this class of immigrants. The law was passed, and also an act forbidding the employment, in the national marine, of any “person of color.” The motive of the act excluding negroes from the national marine was to avoid collision of that class with the local laws or prejudices in the different ports of the Union. The Anti-Slavery Society promptly undertook to forestall the national policy. In August, 1835, the ship *Warsaw*, from New York, arrived at Mobile with negro seamen. A band of these entered the city and were discovered distributing incendiary literature and otherwise inciting to disturbance the slaves. A citizens’ court passed judgment of death upon the leader and compelled the remainder of the emissaries to return to the ship in the offing. A few years later, negroes from a ship in the port of Charleston, from Boston, were found on the streets, contrary to a long standing statute of the State. They were lodged in jail to await the demand of their Captain. The Captain resorted to the United States courts to avoid the small fees the Sheriff demanded as the lawful condition of their release. No attorney, in South Carolina, would undertake the Captain’s side. Massachusetts

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\**Mobile Register*, October, 1835.



employed a venerable and distinguished lawyer, Mr. Samuel Hoar, of Concord, to appear in the case. Mr. Hoar, accompanied by his daughter, arrived in due time at Charleston to discharge his professional duty. Governor Hammond sent notice to the Legislature, then in session, of the arrival of Mr. Hoar and the object of his visit. Public opinion was deeply offended by the conduct of Massachusetts. The prejudices and resolves of the people, their perils and their relief were felt to be rightfully in their own keeping. No indignity was offered to Mr. Hoar, by the people of Charleston, but every member of the Lower House of the Legislature, save one, Mr. Christopher G. Meminger, and every member of the Upper House, save one, Mr. Benjamin F. Perry, voted yea, on a resolution requiring the departure of the attorney of Massachusetts from the limits of South Carolina, immediately.

The growth in numbers, of Mr. Adams' party, in Congress, and the ever increasing aggressiveness which distinguished it, will be briefly noticed, ere resuming the narrative of Mr. Yancey's career. It should be borne in mind, that, up to the period thus far reached, the Missouri "compromise" was in full force, and that the only disturbance possible to slavery was in attacks upon the institution in the States where it existed. Texas was a slave Republic, at this time, applying for annexation. Mr. Adams spoke in the House several days in succession (in 1838) opposing the application, solely on the ground of slavery. Finding opposition useless he, with other members, from the free States, addressed an open letter to their constituents, advising that the annexation of Texas should be followed by the dissolution of the Union. It was determined by the leaders of the South, in Congress, to hold up to the country the perilous growth of the Abolition party and to attempt to cultivate in the public mind respect for the Constitutional right of the slave States to a peaceful relation to the Union. Accordingly, in 1838, Mr. Calhoun introduced in the Senate, and Mr. Atherton, of New Hampshire, introduced in the House, resolutions (the latter written by Mr. Rhett) defining the right of each State to regulate its domestic affairs, and denying to Congress all authority over slavery. Both sets of resolutions would have comprised, in

substance, such an amendment to the Constitution as the times seemed to require. They were peace measures, definitive of the sense of Congress on the question of the day. They set forth State Rights principles in express antithesis to the tendency to centralization. The resolutions of Mr. Calhoun passed the Senate by more than two-thirds majority and, therefore, by a majority greater than was necessary to propose Constitutional amendments. The resolutions of Mr. Atherton received all the votes in House, save six. Mr. Adams and three other members, from New England, re-inforced by one from New York and one from Pennsylvania, voted nay. The resolutions were defensive in every sense against assaults upon the Constitutional rights of the slave States. They did not propose to interfere with the affairs of other States; they did not propose to estop citizens of any States from petitioning Congress to relieve them of any evils which might be discovered, within the States of the petitioners. Mr. Calhoun was much censured for the "stand for slavery" his resolutions were alleged to take. But, he foresaw the time rapidly approaching when no political party, in the free States, however well disposed at the outset, would risk its own ascendancy in measures calculated to protect the institution of slavery in its normal operation under the Constitution. The resolutions of Messrs. Calhoun and Rhett — the latter known by Mr. Atherton's name — presented the issue of the sections. The vote of the North in Congress for the resolutions was repudiated there, at the next general election, by the elevation of General Harrison to the Presidency and in the change made in the complexion of the House of Representatives.

William Slade, of Vermont, was one of the six members voting against the House resolutions. At the same session of Congress Mr. Slade found opportunity to offer a memorable defiance to the repulse the Abolitionists had received in the passage of the resolutions. In the spring, of 1839, the Anti-Slavery Societies sent forward many petitions, more numerous than ever before and exceeding all others in severity of denunciation of the South and Southern members of Congress. The petitions were read from the Clerk's desk. Mr. Slade moved the Speaker to appoint a special committee to report favorably on them. He followed the motion with

a speech of great bitterness. Mr. Legare, of South Carolina, interrupting, begged him to proceed with more propriety, warning him that while he instigated the North to aggression he would surely excite the South to resistance. Mr. Dawson, of Georgia, moved an adjournment; Mr. Slade refused to yield. Mr. Wise, of Virginia, called the gentleman from Vermont to order on a technicality; Slade apologized and continued his remarks, growing more offensive to the Southern members as he advanced. Mr. Robertson, of Virginia, moved an adjournment, but the chair ruled him out of order. Mr. Petrekin, of Pennsylvania, called the gentleman from Vermont to order; Mr. Wise called him to order; Mr. Johnson, of Maryland, appealed to the House to silence Slade. The Speaker rose from his seat and rapped with all his strength. Mr. Wise called the members from Virginia to retire with him from the hall; Mr. Rhett announced that the South Carolina members would meet in a certain committee room and invited all Southern members to join them there; Mr. Halsey, of Georgia, called on the Georgia members to retire. Mr. Rencher, of North Carolina, moved the House to adjourn; Mr. Adams demanded the yeas and nays on the motion; sixty-three opposed adjournment, two-thirds of the number being from New England. Mr. Rhett, writing to his constituents on the events of the day, declared Congress should appoint a commission, composed of members of each House, to negotiate a peaceable dissolution of the Union.

The city of Washington was moved, as a town beleaguered by a foe, at the occurrences of the day on the floor of the House. The highest apprehension prevailed that the House had dissolved never to reassemble. The Southern members were organized and determined. They would not longer submit to the reception and reading of partisan documents, prepared under the auspices of the New England Anti-Slavery Society, and presented under the guise of petitions to Congress. Congress, all admitted, was powerless to take the least step in furtherance of the prayer of the petitioners. Why should Southern members be called on to hear traductions of their people and malignant aspersions of themselves, and to assist, by their silence, in giving documents of such a character a place in the published proceedings of the House?

Senators, Representatives, Cabinet officers, Judges, distinguished visitors, citizens of Washington, spent the whole night, gathered in coteries at the hotels, boarding houses, private parlors, in discussing the action possible for the next day. A course was agreed upon before the regular hour for the assembling of the House. Mr. Patton, of Virginia, had placed in his hands the resolution, known afterwards as the Twenty-First Rule, as follows :

“ All petitions, memorials and papers touching the abolition of slavery, or the buying, selling or transferring of slaves in any State, District or Territory of the United States, shall be laid on the table without being debated, printed, read or referred, and that no farther action shall be taken thereon.”

The vote announced, Mr. Adams turned to Mr. Joshua L. Martin, a Representative from Alabama, with whom he maintained friendly relations, exclaiming : “ Your rule sounds the death knell of slavery ! ” Four years later, at a public reception given in his honor, at Pittsburg, under the auspices of the branch, there, of the Anti-Slavery Society, Mr. Adams said : “ I regard it as a violation of true Republican principles to enact laws at the petition of one people which are to operate on another people without their consent.” A few weeks from the night of this speech, Mr. Adams moved Congress to repeal the Twenty-First Rule, and the motion prevailed. It was the Democratic Congress, elected in 1842.

The relation of the African race to American affairs is at the foundation of the biography of every American statesman, since 1820. The tragic history of the relation of the African race to American affairs is founded in the proceedings of Congress, touching the work of the New England Anti-Slavery Society. Mr. Adams loaned the power of his eloquence, the art of his training, the courage of his nature, the weight of his fame, the influence of his lineage to introduce the scheme of the Society into the proceedings of Congress. The Boston merchants, who scorned to receive Garrison's *Liberator* at its birth, found the published proceedings of Congress diffused over the land at the public cost, outstripping the despised sheet in the virulence of their instructions. When James Dellet appealed to Mr. Adams on the floor of the House, warning him that his course would sacrifice “ a million lives,”

the venerable leader of the revolution replied: "Let it be five hundred million!" So, when the slaves of Africa had been transferred from masters of their own race, who held women as beasts of burden who, when setting out on their expedition, were wont to take in their trains a bevy of young females "in order to enrich their feasts and regale their appetites in such delicacies"—when these hereditary slaves were transferred to make of San Domingo the brightest spot of land on the earth's surface, the Brissots and Robespierres proclaimed: "Perish the colonies, rather than sacrifice one iota of our principles."

Mr. Adams died at his post of duty; Mr. Yancey came forward as a leader — both events in the same year.

## **CHAPTER 7.**

### **Yancey and Hilliard.**

From 1840 to 1860, inclusive, Southern political ideas were seeking an inevitable geographical centre. What Paris was to the French revolution, Virginia to the American revolution, Boston to the Abolitionists, Montgomery, Alabama, through twenty years of activity of local influences, became to the Southern movement, of 1861.

Mr. Henry Washington Hilliard was the foremost political character of Montgomery, the recently chosen capital of the State, when Mr. Yancey took up his abode there. The town was small, but the county, to which it had given its name, produced one million dollars more in agricultural commodities than Butler, Ohio, of corresponding area and population and the chief corn growing county of all the upper Mississippi Valley. The town, too, was the shipping and receiving port of other highly prosperous counties. Yancey and Hilliard were super-typical men, exponents of the happiest of modern civilizations.

The political debates joined between these two, for twenty years, erected in their common home its centripetal political influence. Their debates were more frequent and of more orderly arrival, covered a larger territory and a richer one, were attended more universally by the domiciled population, were more anxiously observed from beyond the State and were an oratorical display more impressive than distinguished stump speaking elsewhere, it is believed, even in America.

Nor is the effect of the oratory of such leaders difficult to explain, silent of its force as may be the written chronicles of their times. The standard histories know it not; the most voluminous of encyclopedias ignore the names of "Yancey" and "Hilliard." Commerce in literature fears the prejudices of the age of accumulation, too careless of the real strength of States. But the educated men who listened to Yancey and Hilliard were classical scholars, who revered the American government created from history. Oratory was their school. It comported happily with the ease of physical existence about them. In the eye to eye and face to face ordeal of orators the affections of the audience were invoked, and the intellectual nourishment society required was supplied. The impartation of knowledge by the art of making truth beautiful, "skilfully picking the lock of curiosity to unfasten the door of fancy," was a genuine social advancement. So were the people prepared to meet, calmly, radical changes in their habits of life and to meet, bravely, unlooked for emergencies of their country. Under unparalleled tests, they proved to be resourceful, with a capacity of adaptation of which even they had been in unconscious possession.

Mr. Hilliard was the personal friend and associate of not a few of the men of letters as well as the famous politicians of the United States, and, in the most select social circles from Boston to New Orleans, he was an ornament. He was six years older than Yancey. Born in 1808, in Cumberland county, North Carolina, he was carried, by his parents, in his infancy, to reside at Columbia, South Carolina, and, at the customary age, was placed under Dr. Cooper, at the college there. Graduating, he entered the law office of William Campbell Preston to prepare for the bar, and, after a year's application to his studies, removed to Athens, Georgia, to continue their pursuit. So well known were his literary attainments, that at the age of twenty-three he was chosen to a professorship in the University of Alabama. The next year, by appointment, he delivered before the General Assembly an address on the life and character of Charles Carroll, of Carrollton, the last of the Independency Signers, which was printed at the public cost.

In 1834 Mr. Hilliard took up his abode at Montgomery, and entered upon the practice of the law. He also took out a license as an itinerant preacher of the Methodist church, occupied the pulpit irregularly, but always, in that position, attracted overflowing congregations. He served in the Legislature as a Whig, and was chosen three times in succession to Congress as a Whig. His maiden speech in the House of Representatives, was an extraordinary success. He was offered the mission to Portugal by the Whig administration, of 1841. Declining this, he accepted, the next year, the mission to Belgium. He received the compliment of an appointment as one of the Regents of the Smithsonian Institute while he sat in Congress.

The earnest citizens who made up the opposing parties lead by Yancey and Hilliard claimed, respectively, superiority for their leader over his rival. Whenever the debate was joined and the reminiscences were talked over, as was the wont for days afterwards, by those who had heard, the Democrats continued to allege that Hilliard had evaded Yancey's citations of history and had not contradicted his forebodings, while the Whigs declared Yancey had failed to break the force of Hilliard's warning that public affairs were in as favorable condition as could be expected, and that an exigency requiring extraordinary action of the people and the States had not arisen and did not threaten to arise. All agreed, however, that there was no match for the one save in the other. In their contests the people never ceased to remember, that each spoke the truth as he saw it, and that if either accepted office, the office would be used to emphasize the very principles propounded before them, and for no other object; that the office, if accepted, would be honored by the holder. Differing much in temperament, the two leaders maintained, always, a profound respect for each other. This mutual feeling was well grounded. Each knew the high breeding of the other; both were classical scholars and too well informed to be betrayed into loose statements of facts or to be deceived; both were courageous, ever maintaining the bearing of the gentleman. The leaders were personal friends at the outset of their public collisions and remained in that attitude towards each other



until their separate political courses at length merged into one. (Letter of H. W. Hilliard.)

Speaking more in detail of the art of oratory illustrated by each after his own method: Hilliard studied the construction of sentences and the manner of delivery. His diction was elegant and his utterance extremely fluent. His tall figure, ever graceful, handsome features, brilliant eyes, distinguished appearance, indeed, and well trained voice assisted his words, as may be imagined. He grouped his facts well, avoided wounding the prejudices of his hearers, seldom employed the great power of sarcasm he was known to possess, and told of the defeat of his party as if it were a triumph. The Democrats charged against him, that while he advanced with the point of his lance concealed under a garland of roses, he often succeeded in unsettling the convictions of the unwary by the argument the flowers concealed. He had a richer fancy than Yancey, employed more art and was more adroit. He had the self-confidence of culture and the subtlety of conscious power. He was courteous, animated and brilliant. Hilliard's friends likened Yancey to the levelling rush of the storm; Yancey's friends likened Hilliard to the repose of nature when the rainbow spans the sky.

Those now living who best remember Yancey's oratory compare it to the oratory of no one else. They remember that, by his speech, complex things were made smooth and the warm blooded enthused, while even tamer natures were transported, but they do not admit that the rules of the school of oratory were brought much into the result. His oratory was his own — straight forward, common sense, impassioned. He was ardent rather than ingenious, he had passion and employed it, he left no suspicion that he spoke to please, and never left an audience with the belief on their minds that he had exhausted his ability to discuss the subject. He never approached the line of the breakdown in words, voice or manner; there was no suggestion of a lost link in his discourse and never a sign of drudgery in the effort. Always thoroughly informed on his subject, it was sometimes remarked that, nevertheless, he did not employ syllogisms. But a careful reading of his speeches will, perhaps, explain this criticism. The faculty of analysis and generalization was so

developed with him, that he lead the listener to a generalized result who had not marked the process. Thus, he covered a great deal of ground in a short space of time. He never attempted to find the level of his audience, and the speech delivered, in 1858, before a few hundred planters at the little hamlet, Benton, Lowndes county, Alabama, will be preferred, doubtless, by the student of the theme, to the speech on practically the same subject, delivered in 1860, to an overflowing audience at Cooper Institute, New York.

Those hundreds of addresses by which Mr. Yancey shaped the public opinion of the South were delivered, generally, in the open air, the orator mounted upon a rough plank stand under the shade of forest trees. The whole figure of the man and every motion were exposed to the gaze of all. Beecher relates that, his consent having been solicited by some pious women of his congregation to draw a silk screen across the place he stood to preach, to conceal from view a part of his body, he replied that he had need in his oratory for his foot. Yancey's physical man was in his favor. There was a fine finish of muscular development with no tendency to bulkiness. The chest was broad, neck full and rather long, with a head neither large or small but remarkable for the symmetry of the contour. His movements were nervous and graceful and his appearance that of a man capable of great endurance of labor.

The exordium to his speech was delivered with marked solemnity, in long sentences of Saxon words and few adjectives, the utterance rapid, the tones conversational and every syllable of every word distinctly audible to the largest audience. The exordium to one of his more notable political addresses was of two sentences, of nearly equal length, making one hundred and sixty words, in which he stated the argument he was about to make. It is related of Preston, that when he defended a beloved and venerable judge, impeached before the Senate of South Carolina, because of an ungovernable infirmity, the advocate advanced up the aisle of the chamber slowly, step by step, shaking his long finger toward the President of the court and, posing under the judgment seat, brought to a climax there his magnificent imagery. The next day, even the next hour, few could recall the words or

the thought whose delivery had enraptured all. McDuffie has been declared by Benton the equal of Demosthenes. When he rose to deliver his maiden speech in the Lower House of Congress he attracted universal attention by rapping his desk through the first sentence, and, proceeding, in the vehemence of action tore down the lappels of his blue broadcloth coat. When William Mitchell Murphy, "the Curran of the Alabama bar," defended Gaines, before the Marengo Circuit Court, for the murder of Curry, he opened a conversation with the murdered man in *hades*, listening more and more intently until, bringing his ear down upon the floor to hear, he rose in anguish to communicate to the jury the terrible report of the things he had heard. The poses of Patrick Henry and the attitudes of Henry Clay were indispensable to the effect of their words. Yancey's gesture was short, quickly spent and expressive rather of his own feeling than employed to assist his argument. He seldom occupied more than a yard square of space through the longest of his addresses. There was an expressive movement of the head, the countenance "with the light of battle shining"; there was a slow swaying of the body, as the thoughts "brightened as they burned." His oratory was remarkable in its variety and the facility with which it passed from style to style. At times, like animated conversation, it flattered every individual with its appeal to his own consciousness; then, "snatching a grace beyond the reach of art," it impelled men to clutch imaginary weapons and spring forward to meet a fancied foe. Devoted to an ideal, never dallying with truth, carrying about him a certain physical composure which nothing could unsettle, possessing both a ready wit and an ardent passion he was prepared to employ sarcasm with overwhelming force. In the higher sense of invective, when the passion of the orator becomes scorn of what he believes to be a base thought or an ignoble device of his opponent, perhaps no one ever excelled Yancey in the employment of the art. In this he was assisted by the peculiar adaptableness of his voice. When hundreds before him swelled to thousands his marvelous tones followed the widening circle without any apparent physical labor; passing over the gamut of his own emotions with unerring certainty — "the most perfect voice that ever aroused friends to the

wildness of enthusiasm, or curbed to silence the tumult of foes." A single example will suffice. The citizens of Montgomery assembled at Estelle Hall, their ancient differences forgotten, their feelings in unison of resentment of an intolerable public offence. They called Mr. Yancey to address them. No need was there for more argument; his own long argument had culminated in the scene before him. In course of brief response he quoted the familiar lines :

" 'Tis not the whole of life to live,  
Nor all of death to die."

The accentuation on *live* fell to a shrill whisper, revealing to all the ignominy of life without patriotic consecration; all leaned forward in anxious silence. D-I-E leaped and revolved in the air in notes of pathos and energy, like rival embodied spirits, and brave men sprang to their feet with a long shout of defiance, destined to echo over an hundred fields of carnage.

Like Cicero, Yancey indulged a marked egoism in his public discourse, a habit from which he was singularly free in his social intercourse. Standing in advance of his party, but never deserting it, he spoke frankly from his own standpoint, telling how he arrived where he was seen and what visions were opened to him. Thus, to speak of himself seemed inseparable from the vindications of theories whose advancement he had undertaken.

Whatever of art or want of art the fascinations of his oratory may have been confined in, he never failed. Wherever it was known he would speak the hills and the dales for miles around literally emptied their population of all ages and both sexes before him. No listener ever wearied of him, and for many years few could be found to confess they had ever heard so good a speech from him as the last speech they had heard. Wherever he spoke no hall could be found to contain the people who came to hear.

Had Mr. Yancey not been driven from the pursuit of agriculture to the bar, for an income, like Demosthenes — to whom he may be well compared in the structure of his intellect and the bent of his inclination — he might have written great orations. The address to the Jackson Monument Association, at Baltimore, and to the graduating class of the Hamner Institute, at the same city, a eulogy on Jackson spoken at

Wetumpka, and one on Calhoun spoken at Montgomery, numerous addresses in aid of the Mount Vernon Association were examples of chaste, classic and graphic oratory, prepared in moments snatched from an absorbing profession. The description of the battle of New Orleans, contained in the eulogy on Jackson, at Wetumpka, presented a remarkable picture of struggling combatants in contrast with the picturesque panorama of the battle field. He was a member of a literary club at Montgomery and when he addressed it, as was sometimes the case, he spoke with repose of manner and elegance of gesticulation. By invitation of the literary Societies of the University of Alabama, he prepared an address for delivery at their annual celebration. The characteristic exordium here appears: "The daily progress of life has thrown me into contact with living and practical questions, the investigation and discussion of which have had an immediate and practical interest. I have had neither time or inclination, therefore, to select and elaborate a theme, in the closet, to be unfolded before you to-day as a literary and classic performance, disconnected with the Present and disinterred from the Past, simply for the entertainment of an hour. But, floating as we are upon the great tide of time, in the midst of the Present and daily encroaching upon the domain of the Future, though we may not alter the direction in which all are tending, yet our relations to each other and the characteristics which have given tone and color to them may serve to interest if not to instruct us on this occasion." The true relation of government to the people was the theme.

Cicero says of the pen, as an auxiliary to the orator, *optimus et praestantissimus dicendi effector ac magister*. Lord Brougham delighted to confess that he had written at least twenty times over the peroration of his speech for the Queen. Mr. Yancey never spoke at considerable length without painful preparation. Perhaps not a dozen of the hundreds of his speeches were written in advance of delivery. His preparation consisted in the collocation of facts, their annotation in logical order, and in storing in his memory the richer veins of thought for their illustration. He employed anecdotes and even noted where one should appear. Hence, he was never to be surprised by an antagonist. Relieved of anxiety for the

use of words, he was ever ready to invite interruption from an opponent, and when interrupted never failed to gain, in his retort, fresh hold upon the confidence of the audience. The freshness of his sentences was real, the fire of his logic was not in servility to a manuscript, his power was electrical because there was no restraint of feeling bound to a form of expression; there was genuineness of nature in his delivery, because there was the least artificiality in his preparation. Even with what Canning called in his own case the "white horses," Yancey was often careless. This fault appears in the reading more than in the hearing of his speeches. The familiar conversational tone in which the sentences, in descent from high rhetoric, were uttered, recommended them to the sense of the audience, while the playful manner of the orator absorbed the attention of the critic.

Fac Simile: Fragment of W. L. Yancey's preparation for a political speech.

4. — Two of these means  
 1. — on Motion of - reflection  
     — Hilliard - Cong. & 24      20.  
     — Webster - App.      274.  
     — Clay      117.  
 2. Mexican laws prevail.  
 3. Admission of California  
     — Hilliard. Cong. Globe & 3589.  
     "      "      "      1196.  
     — Clemens - "      397.  
     — Calhoun "      454.  
 5. — ~~the~~ Guarantees were demanded.  
     Cong. Globe 359. 361.  
     Cong. Globe 1083-1757. 1772-3. 5.  
 6. — Slave-trade law.  
     — Penalty - abolition.  
     — refusal to give the order.  
     — refusal to punish negro stealing.  
 7. — Which triumphed?  
     — Hilliard. Cong. Globe - 358-9. XX 9-8 - 60.  
     — Webster - ser op book - 1192.  
     — Clay - " "  
     — Greeley - " "

# SECOND DIVISION.

1848-1860.





## **CHAPTER 8.**

# **The Alabama Platform.**

1848.

In less than two weeks from the passage of the act annexing Texas, Mr. George Bancroft, Secretary of the Navy, Acting Secretary of War, issued the commission of Brigadier-General to Colonel Zachary Taylor, of the First Infantry, United States Army, with orders to concentrate all the troops, distributed in the Southwest, in Texas and to dispose them at his discretion to protect the interests of his government. Before the end of March, 1846, General Taylor had placed about five thousand troops at Fort Brown, on the east bank of the Rio Grande, near Matamoras on the Mexican side. Meantime, Mr. Buchanan, Secretary of State, had despatched secret orders to the government agents in the Mexican State, California. A late revolution in Mexico had banished President Santa Anna to the West Indies. General Ampudia, commander of the Mexican Army, lay with 6,000 men at Matamoras. Ampudia notified Taylor that the occupation of Fort Brown would be accepted by Mexico as a declaration of war. Captain Thornton and sixty-three mounted men, of Taylor's forces, were captured or slain by Ampudia's forces. The Mexican commander had crossed the river and was marching upon Point Isabel, Taylor's fortified depot of supplies twenty miles to the rear of Fort Brown, with his army. Taylor struck this force, drawn up on a prairie, at Palo Alto, and drove it. The next day he caught up with it at Resaca de la Palma, three miles from Fort Brown, and drove it, pell mell, across the

river. Many volunteers from Texas and adjacent States rushed to join Taylor. The President sent an excited message to Congress declaring Mexico had invaded the United States and spilt American blood. Congress declared war "because of the act of Mexico," and Mexico recalled the bravest and most accomplished of her soldiers and the wisest of her statesmen, Santa Anna, giving him the powers of dictator. While these events were transpiring on the eastern borders of our unhappy neighbor, Secretary of State James Buchanan's orders resulted in the seizure of California by the navy, under Commodores Stockton and Sloat, and Colonel Fremont in command of a handful of men on land. General Taylor crossed the river, occupied Matamoras, and marched into the interior.

Calhoun, Webster and Clay were now united in opposing the prosecution of war. They were controlled by a common motive. The attenuated sympathies of the sections would not be able to bear the strain of the legislation necessary to "make needful rules and regulations" for fresh territory. The Whigs bitterly opposed war, and even voted against the supplies necessary for the army of invasion. The Democrats favored war. Fresh conquest would recompense the South for the gain, by the North, in the immense country north of 36°30'. It was a Union measure to restore the balance of the sections. Rhett and Yancey, in the House, separated from Mr. Calhoun, and while he alone of Southern leaders, in the Senate, voted against war, they ardently voted for it. The Abolitionists separated from the Whigs to demand war and more territory.

The President called on the House for an appropriation of \$2,000,000 to be placed at his disposal for the purchase of California, and to negotiate for peace. It was the eighth day of August when the message of the Executive appeared, and a joint resolution of Congress had already fixed upon the tenth day of the same month for adjournment of the session. Mr. David Wilmot, Democrat, from Pennsylvania, moved the following amendment to the resolution to grant the President's request :

"As an express and fundamental condition of the acquisition of any territory by the United States from the Republic of Mexico, by virtue of

any treaty which shall be negotiated between them, and to the uses by the Executive of the monies herein appropriated, neither slavery or involuntary servitude, except for crime, shall ever exist in any part of said territory."

This historic measure passed the House by a majority of nineteen. It was the nucleus of revolution, immovable. Did it invade the Constitutional right of the President and the Senate, to make and confirm treaties, with a condition prescribed in advance? Mr. Adams protested against the Proviso. He would buy California, but the Mexican law in force there, would continue to prohibit slavery until specially repealed by Congress. The day was past, he said, when Congress would legislate to enlarge the area of slavery. His doctrine of foreign law, prevailing on American soil, was new and alarming to the South.

On the morning of the tenth the resolution, amended by the Proviso, reached the Senate. Mr. Davis, from Massachusetts, who opposed the appropriation, though favoring, on general principles, the Proviso, rose to speak to the measure and intentionally prolonged his remarks until the moment of the expiration of the session. While Mr. Davis spoke, Mr. Cass went over from the Democratic to the Whig side of the chamber, bitterly denouncing the Massachusetts Senator for preventing a vote and declaring his purpose to support the Proviso at the next session. The following day on the cars, from Washington to Baltimore, Mr. Cass expressed to Mr. Rathbun, Representative from New York, his disappointment at the conduct of Mr. Davis, avowing his hearty sympathy with the Proviso.

February 19, 1847, Mr. Calhoun introduced in the Senate a series of resolutions which were debated, but never put to a vote, inasmuch as the Wilmot Proviso did not come to a vote in that body. These resolutions declared the common domain to be the common property of the States, of which Congress was the trustee, and refuted the theory of Mr. Adams, that foreign laws or institutions attached to national acquisitions of territory until expressly repealed. The resolutions of Calhoun were subsequent to and inspired by the Wilmot Proviso — its passage through the House and its pendency in the Senate. They were termed, nevertheless, by the Whig party,

of both sections, and by the large faction of the Democratic party, in both sections lead by General Cass, "forcing the issue." Speaking to his resolutions, while it was yet uncertain what action the Senate would take on the Proviso, Mr. Calhoun said :

"In my humble opinion the condition of Ireland is prosperous and happy, the condition of Hindostan is prosperous and happy, the condition of Jamaica is prosperous and happy to that the Southern States will fall to if they do not stand up manfully in defence of their rights."

A member of the Alabama Legislature wrote to Mr. Calhoun for counsel. His reply outraged the Whigs and filled the minds of not a few Democrats with consternation. The Senator declared the Constitution of the United States provided for the admission of new States which should be the equals of the old States. To enact a statute by Congress determinate of the institutions of new States was clearly subversive of the federal theory. The letter continued :

"Had the South, or even my own State, backed me, in 1835, when the spirit of Abolitionism first developed itself, to any considerable extent, I would have then forced the issue on the North. It is a true maxim in politics as well as in war to meet danger on the frontier. \* \* But in making up the issue we must look far beyond the Wilmot Proviso. It is but one of many acts of aggression, and, in my opinion, by no means the most dangerous and degrading, though more striking and palpable. \* \* With this impression, I would regard any compromise or adjustment of the Proviso, or even its defeat, without meeting the danger in its whole length and breadth, as very unfortunate for us. It would lull us to sleep again without removing the danger or materially diminishing it."

In order to understand what the author of the letter meant by "forcing the issue," it is necessary to recur to certain local laws of some of the free States. It was in 1838 that W. L. Marcy was a candidate of the Democratic party, of New York, for Governor, opposed by W. H. Seward, the Whig candidate. Gerrit Smith, the Abolitionist, addressed a letter to each candidate demanding that he should make known to the public whether or not he would favor the repeal of a State

statute known as the "sojourn law," which permitted masters to remain with their body servants, slaves, nine months in the State without forfeiting the title to the slave. Marcy briefly replied in the negative. Seward replied at length, arguing the right of citizens of one State to enter another with their property, under the protection of the federal compact and, while reiterating his well known opposition to slavery, declared his desire that the sojourn law should remain unimpaired. Pennsylvania also maintained a sojourn law, which yielded to the gradual anti-slavery sentiment, to be revoked after the disturbance in Congress over the Wilmot Proviso. And it should be mentioned, too, that Mr. Seward, having been elected Governor, refused to honor a requisition of Virginia for the delivering up of a ship Captain, a citizen of New York, in whose vessel a slave from Norfolk had escaped. In retaliation, the Legislature of Virginia, by a large majority passed a special act to inspect all vessels of New York in her waters, after May 1, 1842, with heavy penalties punishing the officer or owner, if a fugitive slave should be found thereon. Mr. Calhoun's letter to the Alabama Legislator continued :

"This brings up the question, how can the issue be forced without resorting to the dissolution of the Union? I say, without dissolution, for, in my opinion, a high and sacred regard for the Constitution as well as the dictates of wisdom make it our duty in this case, as well as all others, not to resort to or even to look to that extreme remedy until all others have failed, and then, only, in defence of our liberty and safety." The resort to retaliation was a peace measure, admissible by the States. In no other way, argued the writer, could the reciprocal obligations of the States be brought so clearly into view. The repeal of the sojourn laws by the free States and the refusal of Governors of free States to deliver up offenders against the laws and dignity of the slave States should be followed by an act of Alabama interdicting the commerce of those States in her ports. Alabama could and should close Mobile to New York commerce so long as New York forbid the property of citizens of Alabama protection in her bounds.

Representative Walker, from Wisconsin, introduced resolutions in the House, written by Mr. Calhoun, as an amendment

to an appropriation bill, declaring the flag of the nation and the Constitution of the Union, protect the life, liberty and property of the people of the United States in the common domain and on the high seas alike. When these resolutions came to the Senate, Mr. Webster spoke against them. He said: "It is important that we should seek to have clear ideas and correct notions of the question which this amendment of the member from Wisconsin has presented to us; and especially that we should seek to get some conception of what is meant by the proposition in a 'law to extend the Constitution of the United States to the Territories.' Why, sir, the thing is utterly impossible. We extend the Constitution, by law, to a Territory! What is the Constitution of the United States? Is not its very first principle that all within its influence and apprehension shall be represented in the Legislature which it establishes, with not only a right to debate and a right to vote in both Houses of Congress, but a right to partake in the choice of a President and Vice-President? Can we, by law, extend any of these rights to a Territory of the United States?"

The question of unity in the Executive Department of the federal government had been thoroughly discussed in the formative period of the Constitution. There were two consuls of Rome, but when it was found that the Republic had grown too large to be governed by the same regulations, it was the custom of the Consuls to cast lots for their respective spheres of activity; one to remain in command of the city and its environs, while the other repaired to the provinces to govern there. It was supposed that the division of the American federal system, between three co-ordinate Departments of government, would fulfill all the requirements of divided authority, and hence, a single President with a cabinet of Constitutional advisers was adopted as the Executive function. Mr. Calhoun, having failed to prevent war, now brought forward a recommendation of a Constitutional amendment, providing for a dual Executive — a President chosen by the slave States and a President chosen by the free States. The object was to prevent a sectional preponderance in the legislation of Congress which, under the proposed reform, would be impossible, for both Presidents would be required to

approve all bills of the legislative Department. It was a Union measure, emanating from the leader of the South. The suggestion failed to arrest the attention of other leaders of the day. The unwary statesmen who trusted that in Mr. Polk's election, and Mr. Clay's defeat, the final recovery of the conservative direction of the government had been made, from the Abolitionists, were in the ascendant. The calm before the tempest had come. The pendulum of fortune which had swung away from the Constitutional element, in 1840, had swung back in 1844, but it was a mere rebound of disorder and not a healthy action of well regulated force.

In the events now transpiring, in Alabama, Mr. Yancey began the public service on which his fame is founded — leadership in the conventions of the people.

Three conventions, two regular and formal, one informal, all important, assembled at Montgomery in the brief interval between May, 1847, and February, 1848. These meetings bore a common relation to one purpose. Taken together, they inaugurated the popular movement in the slave States against the aggressive doctrine and the revolutionary intent contained in the Wilmot Proviso. They made of Alabama the pivotal State of the Constitutional cause. In orderly succession of events, Alabama retained the leadership she then assumed which culminated in the federal reorganization of the slave States at Montgomery, fourteen years later, in the form of government of the Confederate States of America.

Mr. Yancey wrote the resolutions and addresses to the people sent forth by each of the three determining conventions. He controlled the action of each. The rapidity of organization of public opinion in Alabama in defence of Constitutional principles, in this crisis, and the clearness of the public mind, were results from the energy of his speeches and written expositions.

First in order of the conventions was that which met, May 3, 1847, to nominate a successor to Governor Martin. The friends of William R. King proposed his name for presiding officer and it was promptly accepted. Yancey, without previous authority, placed in nomination the name of Reuben Chapman, for Governor. No other name was presented. The



convention unanimously accepted Chapman. Chapman's political career had been long and successful. When Representatives were chosen on general ticket, he received a larger vote than any other candidate. Long since, he had so completely won the affections and confidence of the people of his District, that no rival was bold enough, within or without his party, to oppose him for office. But Chapman's nomination, at Yancey's suggestion, carried a far deeper import than the success of a popular statesman. It was intended to mark the ascendancy of a great political policy. William R. King had just returned from the mission to France and aspired to return to the seat in the Senate he had voluntarily vacated. Dixon H. Lewis was a candidate for re-election to the same seat. Yancey had been the personal friend of both men but had become the political supporter of Lewis, in their contest, on the very ground upon which the men differed — a stern defence of the rights of the slave States to equality in the common domain. Yancey and Chapman were fast political and personal friends. The choice of King to preside was not, therefore, a tribute to his popularity only, but, on the part of the Lewis men, it was a peace offering, preparatory to a bold movement in which King could not be expected to assist, but in which much was looked for from Lewis.

The resolutions, written by Yancey, were readily adopted by the committee, reported, and accepted unanimously by the convention. Number 9 of the series covered the Southern demand. It declared :

“ That any territory acquired (from Mexico) will become the common property of the States of this Union, and will be held by the general government as their joint agent and representative; having no right to make laws or do any acts whatever, which shall directly or by their effects make any discriminations between the States of this Union, by which any of them shall be deprived of equal and full rights in such territory.”

The campaign for State officers and Representatives in Congress proceeded with the extraordinary excitement, attending the great battles on the fields of Mexico. The war was a Democratic measure; Democratic orators found in the fame of Monterey, Buena Vista, Vera Cruz and Cherebusco an inspiring theme, as comprehensive as their eloquence, upon

which the Whigs could say little. The Democrats declared the Whigs were in practical alliance with the Abolitionists to deprive the South of the enjoyment of the expected territorial acquisition, and the Whigs were thus thrown on the defensive, a most embarrassing position. General Taylor, a popular favorite with the supporters of the war, carried popular sympathy with him in his mortification at the treatment he received at the hands of his government. With a greatly inferior force he had, on four successive fields, put to rout or captured the flower of the Mexican army — its regulars. General Scott had gained successes, but they were against the hasty levies of the enemy, inferior troops to those who had lost at Palo Alto, Resaca de la Palma, Buena Vista and Monterey under their best commanders. Taylor, on his military record, was generally accepted as the Whig candidate for the Presidency, with a large and influential contingent support from the Democrats. Cass, Buchanan and Woodbury were the prominent candidates of the Democrats for the same office. The Southern question was in an uncertain state. General Taylor was a large sugar planter, in Louisiana, and his politics were virtually undefined in the present exigency; of the two Whig Representatives in Congress, from Alabama, Dellet had voted the year before for the annexation of Texas, and Hilliard had voted the same year, for the repeal of the tariff of 1842. More than that, Mr. Hilliard's was the first voice raised in Congress to condemn the Wilmot Proviso, when that measure was offered. So the State campaign, of 1847, progressed when, on July 14th, the friends of Mr. Hilliard prepared in his honor a grand barbecue at Mount Meigs, "the Gibraltar of Whiggery in Alabama," to which Mr. Yancey was invited. Mount Meigs, twelve miles from Montgomery, was a village without traffic, built on a sandy plateau dividing the river swamp plantations on one side from the prairie plantations to the other, where planters resided amidst environments of wealth and refinement, whose good report was spread abroad by hundreds of travelers on the stage coaches that daily passed that way, from North to South. At the barbecue, Mr. Yancey delivered the first of those open air addresses which comprise his leadership. It made a profound impression. "I speak what I know (he said). I have lost all

spirit of partizanship since I took a peep behind the scenes at Washington. \* \* If this foul spell of party which binds and divides and distracts the South can be broken, hail to him who shall break it! If he shall be, as I fondly hope, Zachary Taylor, honored be his name. But let not the Whigs think of him or attempt to appropriate him as a partizan."

Chapman defeated Nicholas Davis for Governor by about the same majority by which Martin defeated Terry at the previous election. Lewis defeated King for the Senate, the first rebuff the latter had experienced in nearly thirty years of unbroken public life; and in Lewis' election, the Alabama Legislature endorsed and emphasized the attitude of the Democratic Convention of the May preceding. Yancey was content.

Candidates for the Presidency were urged to declare themselves on the all absorbing question, the Wilmot Proviso, for on September 13, 1847, General Scott's army had entered in triumph the gates of the City of Mexico, and acquired a vast new territory. General Taylor persistently declined to deny the reports, apparently well grounded, that he favored the Proviso. He had indeed once written, that the Ordinance of 1787 should extend over all the common domain. Mr. Buchanan wrote a letter to the people of Berks county, Pennsylvania, whom he knew to be in favor of the Wilmot Proviso. It was liable to different constructions. General Cass followed with a letter to Senator Nicholson, of Tennessee. The Nicholson letter opened a way for the Democratic party to escape the determination of the Wilmot Proviso. The theory advanced was, an amalgam of Mr. Adams' doctrine, that the old Mexican law, until specially repealed, would exclude slavery from the new territory, and the Wilmot Proviso. General Cass contended that it would be the duty of Congress to renounce its sovereignty over the new territory in favor of the inhabitants who might be found there, when Congress came to organize Territorial governments over it. "They are just as capable of doing so (governing themselves) as the people of the States," he said. The Nicholson letter propounded the doctrine of "squatter sovereignty," lifting from Congress, the trustee of the owners of the domain, its rightful control to vest it in an uncertain population, irresponsible and

unknown. The Wilmot Proviso was dropped before Congress, when both great parties espoused squatter sovereignty capable of accomplishing the same end. The fourth candidate, Justice Woodbury, of the federal Supreme Court, refused to make a public announcement of his individual opinion on a question liable to come before the Court. It became, at once, evident that many leading Democrats of the free States were quite undecided on the question of the rights of the South in the new territory. Mr. Martin Van Buren led an open defection. His chagrin at the failure of the party to re-nominate him for the Presidency, in 1844, when a successful contest was expected, prepared him for the deep resentment he gave place to in the renewed struggle of the party now progressing. In association with John Van Buren, his son, "the Prince," B. F. Butler, Samuel J. Tilden, Preston King and many others of great influence in the Democratic party of New York, he organized a secession, expressly to support the Wilmot Proviso and which, in the nomenclature of parties, was termed the Free Soil party. The Democrats of Pennsylvania were also in a precarious state of mind. The Bradford county Democracy, the immediate constituents of Mr. Wilmot, passed resolutions declaring: "The safety of our institutions, the hopes of freedom, our own and our country's honor demand an inflexible adherence to the principles of the Wilmot Proviso." These resolutions were widely distributed, under Mr. Wilmot's official frank, throughout the slave States. Nor were the Democrats of the slave States firm and united. Rives, of Virginia, Berrien, of Georgia, Bell, of Tennessee, had committed themselves to General Taylor's support, ere that candidate had unequivocally committed himself on the question of the campaign.

As was customary at that season of the year, the leading men of the State had been attracted to the capital, to attend the Legislature in session and the sitting of the Supreme Court. The Taylor men, resolved to feed the flame of popularity with which their candidate had retired from the field of war, prepared to celebrate the anniversary of the victory of New Orleans by holding a "general council" to be convened from all parts of the State at the capital. The "general council" was, in its inception, a Whig convention

under the disguise of phraseology, supposed to be sufficient to reconcile wavering Democrats. The opponents of Jefferson's theories became Federalists, in name, while holding fast to national party doctrines and now had become Whigs, in name, while Tories in fact. The Democrats, under the lead of Yancey, set about to anticipate the Whigs in their scheme of drawing recruits from the ranks of their opponents. Supported by Leroy Pope Walker, John Cochrane, J. L. M. Curry, and many young Democrats from every quarter of the State, besides his law partner, Mr. Elmore, Henry C. Semple and other personal and political friends in the city, he led in promoting a meeting at the capitol, in advance of the Whigs, on the evening of January 3. Winston, of Sumter, McClung, of Madison, Garrett, of Cherokee, Clitherall, of Pickens, Tate, of Limestone, Clark, of Greene, Percy Walker, of Mobile, Cottrell, of Lowndes, with many others of equal influence, were of the audience. Benjamin Fitzpatrick presided. It was a most animated meeting, filling the hall of the House of Representatives to its utmost capacity. A Whig, who witnessed the occurrence, and understood its party significance, wrote: "Mr. Yancey, of Montgomery, a very able man and a particularly smart manager, read the resolutions which were, of course, adopted. I believe there is not an abler man in the Democratic ranks; and I believe there is not one with more influence in his party; though, at present, he occupies the station merely of a private citizen." Yancey spoke to his resolutions, twelve in number, others followed in support and they were unanimously adopted. One of the number stated the causes of the war with Mexico as follows: "The government of Mexico having failed to pay the installments due to our citizens, on account of lawless spolations upon our commerce, having failed to adjust other claims equally just, having improperly interfered in the annexation of Texas to this Union, having refused to recognize a boundary between Texas and her territory, having arrogantly and insultingly rejected the arbitrament of peace, and having appealed to the sword," etc. Mr. Yancey's speech was intended to harmonize the Lewis and King wings of the party preliminary to the execution of the party policy, for the impending national contest, which he had already well matured in his own mind.

The resolutions touching the great question of the day declared, that "the Wilmot Proviso was antagonistic to every principle of the Constitution and of the Democratic creed," and "we hereby solemnly pledge ourselves to support no men for the offices of President and vice-President of the United States who shall not unequivocally avow themselves to be opposed to the principles of that political heresy." Leroy Pope Walker offered a resolution, that a committee of five be appointed to prepare an Address to the Democracy of the State. Walker was an accomplished belle-lettre scholar and one of the rising young men of the State. When the committee met to discharge its task, he requested Yancey to write the Address, and thus the important document came from his pen. The opportunity open to Walker in the authorship of so important a paper, and neglected in the interest of Yancey, might well have been envied by even the most experienced leader. The Address included a call on the Democrats of all the counties to send delegates to a State Convention of the party to meet at Montgomery, February 14th, following, for the purpose of organizing for the Presidential campaign and for appointing delegates to the National Convention to meet at Baltimore.

"But another reason (declared the document) of a still higher grade and more pressing importance urges this call. Those great conservative principles, which heretofore have been sufficiently strong to continue the legislation of Congress within Constitutional limits, seem to be giving way under the combined attacks of religious fanaticism and political desperation. The passage through the representative branch of Congress, at its last session, of the so-called Wilmot Proviso (but which the Whig Speaker, Winthrop, had, at the session before, moved as an amendment to the Oregon bill), and the sentiments called forth by it in the Senate, together with the approval of it by the Legislatures of ten of the free States and by conventions of the people in other of those States, are alarming indications of a disposition to hold the provisions of the Constitution at naught in pursuit of political power and a God-condemned heresy."

The bold declarations and eloquent appeal of the Address, warning the people to "relax no vigilance and be wanting in no effort," went out into every precinct. The season was mid

winter; the newly cut roads were at their worst. Nevertheless, when the day in February arrived for the meeting of the State Convention of the party, forty-four of the fifty counties appeared with full delegations. "The Hall of the House of Representatives was thronged to overflowing with delegates from counties near and counties remote; and not a section of our State, however distant, but had an ample and honorable representation; some veterans of long standing, tried and true, others more useful but not less ardent and devoted; some distinguished for their abilities and holding a proud eminence in the political world; others known only in the walks of private life but not less zealous and respected -- were all here, animated by one common impulse, knowing but one common motive, the perpetuity and success of Democratic principles identical, as we firmly believe them to be, with the best interests and truest glory of our country."\*

This was the body of men Mr. Yancey essayed to direct. It should be explained, that in the interval between the meeting of January 3, and the assembling of the State Convention, the Democrats of Montgomery county had held their primary and at the county primary, Mr. Yancey dictated the resolutions and was the principal speaker, "and as every sentence fell with telling effect upon the crowded audience a shout went up, like the roar of many waters, proving conclusively that the hearts of his hearers were with every word he spoke." The orator spoke most hopefully of the Northern Democrats. "He showed that a considerable re-action had taken place at the North on the subject of the *Winthrop* Proviso, as he very properly called it, and that popular sentiment there was becoming every day, in the Democratic party, more in support of the Constitutional rights of the South, but not one Northern Whig could be found on our side." But the most remarkable of the resolutions of the primary was the reiteration of the pledge made by the meeting of January 3, not to support for President or Vice-President any candidate not committed to the equality of the South in the expected Mexican acquisition. John McCormick introduced the resolutions. Caffey, Burch, Elmore, Felder, Semple, Yancey, Mastin, McGehee, Lucas, Hale, McCormick were among the

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\**Montgomery Advertiser.*



forty county delegates chosen to the forthcoming State Convention.

It was well known to Yancey that Mr. King's friends were anxious to retrieve his political fortunes, from the defeat for the Senate, and that they intended to lose no time in pressing his name before the State Convention for a recommendation to the National Convention as a suitable candidate for the vice-Presidency. They remembered that three of Yancey's newspapers had been first to urge King for the same office in 1840. King's friends had become impressed with the belief that, if Buchanan should receive first place, the chances for King for second place would be enhanced. The better to make safe the continuance of the party in the line of policy established in the resolutions of May, 1847, and in the resolutions and Address of January 3, Mr. Yancey took the precaution to prepare a long series of resolutions for the Convention, before that body met. He read them in his office to a few friends, put them in his pocket and took his seat in the Convention to await developments. John McCormick was appointed chairman of a committee of seven on resolutions, so soon as the Convention organized. Yancey's apprehensions of the influence of the King men grew as the committee remained out longer and longer. It was the evening session of the second day ere its report was brought in. The West was known to be for General Cass, a Senator from Michigan, while the East offered Judge Woodbury, of New Hampshire. How to renounce Cass' squatter sovereignty doctrine, and not offend the West; or how to retain the East, without an explicit reiteration of the previous declarations of the party, in the State, to which it was understood Mr. Calhoun had pledged Judge Woodbury, was the problem which the committee considered, painfully. When the report was read, it was found quite up to the advanced demand of the Alabama Democrats for the equality of the South in the new acquisition, except that it entirely ignored General Cass' doctrine of squatter sovereignty. It repeated, in effect, some resolutions of Mr. John Campbell, from South Carolina, passed in the House four years before, declaring Congress could not interfere with slavery in the *States*, but it pretermitted the new and vital issue touching the power of squatters thereon



to exclude the institution from the Territories. Mr. Semple, seeing this, immediately offered an amendment to Resolution 7, to correct the omission. Mr. McCormick defended the report, Mr. Elmore spoke for Semple's amendment and Mr. Winston replied to Mr. Elmore. At this stage in the proceedings Mr. Yancey rose. The galleries were crowded with ladies and their escorts, the floor, lobbies and rotunda were packed with men. He drew from his pocket his own resolutions and read them, sent them to the Secretary's desk and the Secretary read them to the Convention. By Mr. Yancey's request, they were returned to him and by him were read to the Convention again. He spoke at length; in the progress of his speech Mr. Semple interrupted him to withdraw his amendment; a few minutes later Mr. Cottrell interrupted to say he was authorized to withdraw the report of the committee, in favor of Mr. Yancey's resolutions. A vote was taken and Yancey's resolutions were adopted, without even one opposing voice, amidst the most enthusiastic cheering on the floor and in the lobbies, the ladies in the galleries waving their pocket handkerchiefs in the contagion of joy. The resolutions, in principle, were the same the committee had reported, except that they included in their condemnation of unconstitutional political propositions, the new doctrine of squatter sovereignty; and, in this, they were in advance of the Democratic party. They became the historic Alabama Platform bearing no less important relation to the great events of 1861, in the United States, than the resolutions of Patrick Henry bore to the crisis of 1776.

#### THE ALABAMA PLATFORM.

“WHEREAS, Opinions have been expressed by eminent members of the Democratic party and by a Convention of the party assembled in New York to appoint delegates to the Baltimore Convention, that the municipal laws of the Mexican territory, ceded to the United States, should not be changed and that slavery could not be re-established except by authority of the United States or of the Territorial government, therefore, to the end that no doubt should be allowed to exist upon a subject so important and at the same time so exciting. Be it Resolved :

\* \* \* \* \*

“9. *Resolved*, That the treaty of cession should contain a clause securing an entry into those Territories to all citizens of the United States together with their property of every description and that the same should remain protected by the United States while the Territories are under its authority.

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“11. *Resolved*, That the opinion advanced or maintained by some that the people, of a Territory acquired by the common toil, suffering, blood and treasure of the people of all the States, can, in other event than the forming of a State Constitution preparatory to admittance as a State into the Union, lawfully or constitutionally prevent any citizen of any such States from removing to or settling in such Territory with his property, be it slave property or other, is a restriction as indefensible in principle as if such restriction were imposed by Congress.

“12. *Resolved*, That the Democratic party is, and should be, co-extensive with the Union ; and that while we disclaim all intention to interfere in the local divisions and controversies in any of our sister States, we deem it a solemn duty, which we owe to the Constitution, to ourselves and to that party, to declare our unalterable determination, neither to recognize as Democrats or to hold fellowship or communion with those who attempt to denationalize the South and its institutions, calculated to array one section in feeling and sentiment against the other ; and we hold the same to be alike treason to party faith and to the perpetuity of the Union of these States.

“13. *Resolved*, That this Convention pledge itself to the country, and the members pledge themselves to each other under no political necessity whatever to support for the offices of President and vice-President of the United States, any persons who shall not be openly and unequivocally opposed to either of the forms of excluding slavery from the Territories of the United States, mentioned in these resolutions, as being alike in violation of the Constitution and of the just and equal rights of the citizens of the slaveholding States.

“14. *Resolved*, That these resolutions be considered as instructions to our delegates to the Baltimore Convention to guide

them in their votes in that body ; and that they vote for no men for President and vice-President who will not unequivocally avow themselves to be opposed to either of the forms of restricting slavery which are described in these resolutions."

The Alabama Legislature endorsed the Alabama Platform by special resolutions ; the Legislature of Georgia endorsed it ; the State Conventions of the Democratic party in Florida and Virginia endorsed it. The press of the party throughout the South repeated the praises of Yancey, confessing him to be the leader of the first organized effort to resist revolution.

The treaty of Gaudaloupe-Hidalgo restored peace with Mexico, ceding to the United States 632,157 square miles, an area greater than that embraced in the States which formed the original Union.

Because of the failure of the Senate to pass the Wilmot Proviso, Senator John P. Hale, of New Hampshire, presented a petition numerously signed, and supported in the Senate by Senators William H. Seward, of New York, and Salmon P. Chase, of Ohio, praying that Congress take immediate steps to dissolve the Union by treaty between the States.\*

Had the prodigality of power opened up to the young leader of the Democrats of Alabama tempted him too far? Hume says of Sir Robert Walpole, "he was moderate in exercising power but not equitable in engrossing it." Were Yancey's resolutions equitable, in view of the report of the committee and Semple's amendment? It was midnight when the ladies and gentlemen who thronged the hall of the House of Representatives to watch the proceedings of the Convention, turned their faces homeward, in an intoxication of excitement. Few realized the import of what had been done. Yet there had been no disorder, no undue haste in the proceedings. Several important resolutions touching different subjects were considered and passed, after the Platform was adopted. One of these was the recommending of Mr. King to the Baltimore Convention for the vice-Presidency, without instructions to the delegates to vote for him. Yancey made no opposition. He was deeply impressed with the success of his resolutions and entirely confident of the good faith of those charged with their enforcement. The principles at issue and not the

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\*App. Cong. Globe, Vol. 29.

personal aspirations of candidates occupied his thoughts. On the morrow the delegates, in coteries, took up their homeward journey — some by stage coach, some by steamer, others by private conveyance. Yancey was in the mind of each and all. Good and strong men in the Convention had been unable to stem the tide of enthusiasm the leader had put in motion. It was quite as remarkable as true that propositions so original, after mature deliberation, had united the party. Every Democratic newspaper in the State promptly accepted the Alabama Platform. The Whigs in the Talladega District, the strong hold of the party in the State, met and, under the lead of Chilton, Rice, Cruikshank and many other strong men, ratified the position the Convention had taken on the issue of the sections.

Mr. Yancey set out on the spring circuit of the Courts, the most lauded of leaders. He returned home, the middle of April, to realize the first disappointment of his political career in the sudden and radical change which had overcome his supporters. Dispersed among their neighbors, the members were called on for an account of the Convention. Editors and office holders discovered that the party, upon whose traditions public opinion was founded and whose favors had promoted many individuals, had taken position, under a bold young man of wonderful capacity, far in advance of the other States. Their fears prevailed. On his table Mr. Yancey found two issues of the *State Gazette*, a newspaper of Montgomery, each containing a lengthy letter from an anonymous correspondent, "Giles," assailing his course in the recent State Convention and both letters endorsed by labored editorials of the paper which, when he left home, was confessedly his ardent friend. To the letters and the editor he replied in an elaborate and caustic recital of the facts. He was deeply wounded. "There is not a chapparral on my course to conceal either a deserter or a foe (he wrote). The trick of the Convention, if there be any in the passage of those instructions, lies in the flood of light they throw upon the course the Convention intended its delegates to Baltimore to pursue." The opposition to him now took form. He seemed to have no friends. The editor of the *Mobile Register*, Thadeus Sanford, wrote over his own signature: "Mr. Yancey's design was not suspected when he

adroitly inserted clauses claiming for the President and Congress the right to introduce slavery in the Territories,' although no such "clauses" were to be found, nor were they implied by anything Yancey had said or written. From his Sumter County plantation, Mr. Winston wrote an open letter declaring, "for the sake of harmony, the hour being late, the resolutions of Mr. Yancey were allowed to pass." Yet the same resolutions, in effect, had been adopted in May, and again in January, by large Conventions of the party. It was understood Mr. Winston had striven to organize a defection in the delegation to Baltimore. Long before the delegates set out it was evident Yancey stood almost alone. "Except for my courage to dare to do no wrong (he wrote) in this great matter, I should yearn for that obscurity which is protection from such assaults and should seek peace by yielding the principles upon which I have acted, as a sacrifice to the angry passions of my assailants."

William L. Yancey and John A. Winston, delegates for the State at large; T. Sanford, R. T. Scott, A. J. Saffold, D. Salmon, Crawford M. Jackson, Sydenham Moore, John E. Moore, Frank W. Bowdon, P. A. Wray, Porter King, M. A. King and William Acklin represented the Democrats of Alabama at the Baltimore Convention assembled May 22, 1848. "I saw William L. Yancey for the first time in the spring of 1848 (wrote Senator Henry S. Foote). He had an interview with Mr. Calhoun in the hall of the national Senate when he was on his way to Baltimore. \* \* Mr. Calhoun and Yancey, as well as many others, pro-slavery men in the South, were not content with the protection understood to be given by the federal Constitution to slavery in the States, where it then existed, but desired to obtain for this institution additional organic guarantees. This they hoped to obtain through the instrumentality of the Democratic party." The respectability of the source of this error indicates the extent of the task before Yancey. No "additional organic guarantees" were demanded by the Alabama Platform, but only the faithful execution by Congress of its trust under the existing organism. The Alabama delegates paused at Washington, *en route* and assembled at Mr. Yancey's apartments there to examine letters received by him from the several candidates for the

nomination to the Presidency. General Cass' letter referred to his Nicholson letter, which was then a subject of divided construction; Mr. Buchanan referred to his Berks county letter, which was not yet understood, everywhere, in the same way; Justice Woodbury replied, that so long as he was on the Supreme Court it would be improper to advance an individual opinion on a question liable to come before that tribunal; Mr. Dallas referred to a former speech of his touching the political question of the day. Mr. Sydenham Moore reported a conversation held by him on Pennsylvania avenue, a few moments before, with Mr. Buchanan. Mr. Moore understood Mr. Buchanan to say he "could not come up to the Alabama Platform," but Mr. Sanford had met Mr. Buchanan at the President's the night before and the Senator there declared the construction placed by Yancey on his Berks county letter was wholly unwarranted.

The Baltimore Convention, when called to order, was found to be but little removed from the old Congressional caucus, abandoned by the party by reason of its corrupt influences and because of the impracticability of reaching the will of the people, in party measures, through the representation of members of Congress. A large proportion of the delegates were office holders. Prominent in the membership was the veteran editor, Thomas Ritchie, then in control of the Administration organ at Washington, and a beneficiary of the government. From Maine came as a delegate, Hannibal Hamlin, a pronounced Abolitionist. The Alabama Platform had alarmed the old party managers. The usual Committee on Resolutions was composed of one from each State, to be selected by the State delegation. The Alabama delegation withdrew to the lobby to select their committee-man. Bowdon demanded the place should be given to Yancey; it was offered to Sydenham Moore and by him indignantly rejected. Yancey retired to permit the decision to be reached, saying that while custom assigned the place to him, he hoped his fellow delegates would consider only the rights and benefits of the Democracy of Alabama in their deliberation. The choice fell on him. Before the Committee on Resolutions met, candidates for the nomination to the Presidency were named and the balloting began as the first work of the organized body. This order of proceeding

was tantamount to a decree in condemnation of the Alabama Platform, for the instructions brought with the Alabama delegates forbid them to vote until the candidates should be pledged, by resolutions of the Convention, to the support of the principles announced by Alabama. General Cass received the highest vote cast at the first ballot for President, and received the nomination, under the two-thirds rule, at the fourth ballot. For the vice-Presidency, William R. King was supported, on the first ballot, by the entire Alabama delegation, but received only 26 votes out of 294 cast. William D. Butler, of Ohio, was nominated vice-President on the second ballot. Seeing the hopeless prospects of Mr. King, Messrs. Yancey and Wray cast their votes, on the second ballot, for John A. Quitman, of Mississippi, to emphasize the Alabama Platform. A motion made to declare the nomination unanimous brought Yancey to his feet:

“Alabama is Democratic now and always (he said) but Mr. President, let Alabama hear the principles upon which this Convention proposes to send candidates to the people, before you invite us to endorse its nominees. There must be no evasions here. Alabama is here to contend for principles which she is pledged before the country to insist upon. These principles are of the true Democratic faith, because they are founded on the Constitution. They cannot be passed over by a Democratic Convention, save in violence to Democratic traditions.”

Mr. Winston replied, that Alabama delegates were on the floor not as rulers but as delegates. Alabama did not set up a dictatorship in her Platform. “I declare here (he said), as a representative of Alabama, I do not belong to the ultra set of factionists at the South who do as much harm as the ultra set of factionists at the North.” Mr. Porter King spoke, assuring the Convention that Winston was “the father of the Alabama Democracy.”

The Committee on Resolutions then retired. After protracted discussion the Committee agreed upon a report, with practical unanimity, inasmuch as so far as the report went toward the question at issue before the country, it met the approval of all the committeemen. Mr. Yancey took an active part in its deliberations, assisted in remodeling the



former platforms of the party and gave his hearty assent to the resolutions prepared, *so far as they went* toward the position taken by the Alabama Platform. The report treated the agitation of the slavery question in the following imperfect resolution :

7. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution ; that all efforts of the Abolitionists or others made to induce Congress to interfere with questions of slavery or to take incipient steps in relation thereto are calculated to lead to the most alarming and dangerous consequences ; and that all such efforts have an inevitable tendency to diminish the happiness of the people and to endanger the stability and perpetuity of the Union.

This canon of the party faith was identical, word for word, with one of the resolutions passed by the House of Representatives, in February, 1844, long before the Mexican war and, therefore, while the slavery agitation was confined to the incendiary projects of the Abolitionists in the States, by means of petitions sent to Congress, and the work of their agents traversing the country. Mr. Yancey, perceiving that the Committee had studiously avoided the new aspect of the slavery question, presented in General Cass' Nicholson letter and which had been met in the Alabama Platform, offered an amendment to Resolution 7. His amendment was an addition to the only resolution prepared by the Committee to which he objected, in any particular, and altered no position of the party on old issues. The amendment was an effort to define the position of the party on newly developed practical interests of the country, upon which Congress could not avoid action, without baulking its powers, nor act, in contempt of the principle laid down in the amendment, without forcing revolution. The amendment was :

*“Resolved further,* That the doctrine of non-intervention with the rights of property of any portion of this Confederacy, be it in the States or in the Territories, by any other than the parties interested in the said rights is the true Republican doctrine recognized by this body.”

Mr. John Slidell, of Louisiana, in Committee, said the amendment rebuked the well known opinions of General Cass.



the nominee. Nine States, in Committee, voted yea on the amendment — Pennsylvania and Wisconsin being the only free States of the list. Twenty States voted nay. Now, far after night, Yancey moved a resolution that the Committee re-adopt the provision of the party platform, since 1836, condemning internal improvements by the federal government, and the resolution was promptly passed. Great was the dismay of the Committee to discover the following morning, on its re-assembling, that Senator Cass had voted to pass, over President Polk's veto, every bill for internal improvement! A motion made to recant was fiercely denounced by Yancey as "a base surrender of principle" and failed of passage.

Messrs. Yancey, of Alabama, Commander, of South Carolina, and McGehee, of Florida, presented, in Convention, a minority report incorporating Yancey's amendment. In all other provisions it was identical with the majority report. The vote on the minority report was taken by States. The States voting yea, had 36 electoral votes; the States voting nay, had 216 electoral votes. The majority report was then adopted, and when the vote was declared Mr. Yancey announced to the Convention that, in accordance with the instructions of his State, he would not longer participate in the proceedings of the body. Mr. Wray, of Alabama, announced his purpose to pursue the same course. The other delegates from Alabama disregarded their instructions, retained their seats and assented, in their action, to the nominees.

June 1, the Whigs met at Philadelphia and nominated General Taylor, for President, and Millard Fillmore, of New York, an avowed Abolitionist, for vice-President. More than a month before, General Taylor wrote from his plantation to J. S. Allison expressing grave doubts of his fitness for the Presidency. He said he was without sufficient knowledge of the current political events to declare an opinion upon them. Moreover, he did not think the opinions of the Executive should control Congress and a candidate "who cannot be trusted without pledges cannot be confided in merely on account of them."

Martin Van Buren was the candidate of the Abolitionists, now called "Free Soilers." So soon as the Baltimore Convention adjourned the Van Buren men of New York held a

meeting in the city of New York, declaring that the Convention in refusing to accede to the Alabama demands, had virtually declared for free soil. The candidature of Van Buren, it was at once perceived, embarrassed the nominations made at Baltimore to a peculiar extent. On all occasions this "political magician," as the Democrats were only lately proud to term him, had been a consistent friend of the South. He was the favorite, among public men, of General Jackson, he had striven with Harrison, he had been favorable to the annexation of Texas and had voted against the Abolitionists. Many had been his claims, in the past, upon the South and dear were his present principles to the hearts of many Democrats at the North. Tens of thousands in both sections had enjoyed the honors and emoluments of federal patronage at his hands. His was now in :

"The patient search and vigil long  
Of him who treasures up a wrong."

The important part Mr. Fillmore acted in the history of the sectional conflict and the measure of confidence in which he was held at the South, long after he had been repudiated at the North, by all parties, is one of the most remarkable personal experiences of his day. That he was an advanced Abolitionist at heart no one doubted. He never denied the letter he wrote in answer to categorical questions of the Anti-Slavery Society, in 1838, which committed him to all their measures before Congress, nor explained his unfriendly votes to the South in the House. He was wise enough to perceive that the peaceful operation of the federal system, unamended, would exterminate slavery in as brief time as peaceful influences would admit.

Wm. L. G. Vancey belongs the distinction of having first made the issue with political party organism, that the platform of doctrine should precede the choice of candidates.

## **CHAPTER 9.**

# **The Campaign.**

1848.

Travel from the East to Alabama lead, in 1848, along the Atlantic coast, by rail and boat, as far as Charleston. At Charleston Mr. Yancey accepted an invitation to speak, on his way home. It was an indignant and fiery impeachment of the Baltimore Convention. "These virtuous politicians, these trustworthy representatives of Democracy discovered that avowal of truth would put error to blush; that the honor due to a patriot would be the condemnation of a heretic. Southern delegates had sacrificed their principles to an election, and from Alabama men were found who, to secure even the vice-Presidency, were willing to be allured from their most solemn committals to the people." These and many equally sententious sentences marked his utterance.

Winston had preceded him and spoken in vehement denunciation of his conduct in the Convention, to a public meeting at Montgomery. "The object of holding a Convention (he said) was to consult and to surrender personal preferences to the majority will; to concentrate our strength on the candidate most acceptable to the majority. Why go into a Convention if instructions carried from home are to govern? Mr. Yancey's code of morals would authorize him to go into Conventions and if he could carry all his points, and his man, too, he would be bound to abide the decision; if not, he would oppose platform and nominee." Winston, Sanford, Salomon, Porter King and A. J. Saffold, each, wrote an elaborate letter

to the press, explaining the course of the delegation and denouncing Yancey.

A large meeting assembled at Montgomery to hear Yancey in his first appearance after his return. He was received with demonstrations of unusual interest. No hall could contain the audience, therefore, he spoke from the porch of the Exchange Hotel, the street being wide there. He said he had only plain words to give in answer to the torrents of contumely which had been turned upon him from almost every Democratic newspaper in Alabama, for many months. At Baltimore he had brought forward no demand before the high assembly of his party, save that which the Democratic party of Alabama, in solemn convention, had made it his bounden duty to bring. He had complained of nothing that had been done; he had presented the demand of Alabama that certain things should be done more than the Baltimore Convention would consent to do. That was the sum of his sinning. He had no innovations to offer the party, nor did he propose the least alteration of the structure of society. He did not propose to invade any people, to molest any customs, to disturb any institutions or amend any form of government. Adversity was often a good school for politics. Office had no charms to seduce him from his sense of duty, nor a minority position terrors to deter him from the dictates of his conscience. "When the resolutions of previous Conventions of the National Democracy on the slavery question (he said) were adopted they covered the question presented in those earlier times. The Democratic party was then eminently just to the country in its action. Then abolition and faction sought to enter the federal temple to disturb the harmony of its inmates. As worshippers at the sacred fane you have driven them out. You have solemnly declared, there is no power in the federal government to interfere with slavery in the States of this Confederacy. It was no light thing, I grant, that you should undertake to defend even that position at the North. In the conflict that ensued many a noble spirit was sacrificed. Few now are so hardy as to declare that doctrine wrong. But the great enemies of Constitutional equality, and order, driven from their positions in the federal temple, have taken up a new position on the frontiers of the Confederacy — upon the

borders of your territory, in the bosom of which lies the incipient germ of many a State to be added to our galaxy. There they meet the pioneer immigrants, and, if their doctrine is to be maintained, they will welcome the laborer of the North and turn back the laborer of the South. \* \* I was instructed by the organized Democracy of Alabama to proceed to Baltimore and to be guided by the specific injunction, unanimously imposed, to vote for no men for President and vice-President who would not unequivocally avow themselves to be opposed to either of the forms of restricting slavery described in the instructions. I rendered faithful obedience to those instructions, and the Democratic party of Alabama pledged itself to the country and the members of the Convention pledged themselves to each other, 'under no political necessity whatever,' to support for the offices of President and vice-President of the United States any persons who shall not be opposed openly and avowedly to either of those forms of restricting slavery. I shall stand immovably by the Alabama Platform. I cannot support General Cass for the Presidency."

The popular demonstrations, in consequence of Mr. Yancey's course, in Alabama were, perhaps, not the least interesting of the personal phenomena of his career. The meeting he addressed at Montgomery passed resolutions far from denouncing him, but appealing affectionately to him to resume his leadership. His former fellow townsfolk of Wetumpka specially invited him to address them, explaining his position, and, when the speech was over, the meeting passed feeling resolutions beseeching him to sacrifice his own sense of duty to aid his party, and expressing unbounded confidence in the integrity of his purposes. The Democrats of Lauderdale county, at a public meeting, passed a long series of party resolutions, two of which were devoted specially to Yancey. One of the two resolved, "that while we admire the ability, moral worth, indomitable energy, integrity of purpose and the sternness of principles which have hitherto guided the political course of the Hon. William L. Yancey, we must, at the same time, in justice to ourselves, disapprove his course at and since the adjournment of the Baltimore Convention." The next, made "an appeal to his better judgment, his sober-second thought, hoping that he will yet resume his high

position, a proud and distinguished champion of the Democratic platform adopted by the Baltimore convention."

Mr. Yancey thought seriously of taking steps to organize a reform party. In association with Dr. Scott, he wrote to Senator Dixon H. Lewis, then at Washington, for counsel. The Senator earnestly opposed the step, in a long private letter. He was himself disappointed with the Baltimore Convention, but the party had resolved to ratify it, and there the complaint should end. Having determined to accept this advice, with reluctance and doubt, however, Yancey began to weave a chain of influences, in spare hours snatched from his desk, as a party reclamer. He would endeavor to hold the party up to a high moral plane. The condition of the South presented a remarkable parallel to a previous period in American history. Wirt, describing the time, between 1765, when Patrick Henry brought up his resolutions, and the outbreak at Boston nine years later, says: "In that period not an hour of settled peace existed between the two countries. It is true the eruption produced by the stamp act had subsided with its repeal and the people had resumed their ancient settlements and occupations; but there was no peace of heart and mind. The rumbling of the volcano was still audible and the smoke of the crater ascended, mingled, not infrequently, with those flames and masses of ignited matter which announced a new and more terrible explosion."

Yancey refused to enter the campaign, but the people refused to relax their demands on him to speak. A Cass elector, Colonel T. B. Bethea, a lawyer and wealthy planter, a gentleman of excellent ability, was announced to open a debate at Camden, the capital of Wilcox county, which was expected to continue more than one day, between the representatives of the two parties. Thomas H. Watts, a young lawyer, of Montgomery, a Taylor elector for the State at large, was appointed to reply. Watts and Yancey were fast personal friends and went to the meeting together. When Bethea concluded, Watts rose but did not perform the part assigned to him. He introduced Yancey to the audience, promising to reply to Colonel Bethea the next day. "Yancey took the stand (wrote an eye witness) and never have I witnessed such a display of arrogance and dictatorship. He

arraigned the Democratic party, North and South. He said Colonel Bethea was not the candidate of the Democracy of Alabama; going for Cass, we were all false to the principles of our fathers. I do not pretend to quote his words, but his speech was an outpouring of bitterness you would seldom hear from a Whig, delivered in his usual vehement and brilliant style. It was all fine sport for the Whigs, and they came down in repeated and thundering applause. I do not think he relished this, for he upbraided them and said they had no right to interfere in a family quarrel."

At Hayneville, the capital of Lowndes county, an easy drive from Montgomery, a Cass ratification meeting was called. As the court room was well filled and the meeting about to proceed with its object, Mr. Lewis, a prominent citizen and politician, announced that Mr. Yancey had just arrived at the hotel, and moved that he be invited to appear to explain his course at Baltimore. So strong objections were urged that Lewis reduced his informal suggestion to the form of a resolution, and demanded a vote on it. The resolution was lost, by five votes, and, so it appeared, the meeting would not hear Yancey. It was explained by some one present that no disrespect to Mr. Yancey was intended, but the meeting had a specific purpose, in which he could not be expected to participate, if reports of his recent conduct were to be believed. At this, a voice cried out to all who wanted to hear Yancey to repair to the shade of the big oak on the square. A general rush for the door took place. Yancey was escorted to the shade of the tree. When he arrived it was observed that the court room had been vacated. The Cass ratification ceremonies were over for want of an audience, and thither the crowd, now in excellent humor, lead him. The agitation of the day exhilarated the orator's own spirits, and he delivered a long remembered speech.

There is a subtle difference between the allegiance duty to party, in a free country, and the duty due to party reform. All men felt there was no mental or moral aridity in Yancey's conclusions, although he now refused to deliver more speeches, while urged by the people of both parties, as the campaign progressed. "I am a neutral in this campaign (he wrote to William H. Lucas, on July 29, declining the honor of a



barbecue tendered, him at Mount Meigs). I felt it to be my duty to prevent all Democrats from endorsing General Cass. My object was to preserve the integrity of the party, to stand firmly by my party friends, and let the Democracy of the free States know that when we use brave words they will be followed by determined acts. \* \* I shall adhere to my political opinions and will gladly act with all those who, for the time being, join me in their advocacy. No political necessity shall drive me from the path of duty. I shall remain a self-thinking citizen of Alabama, cherishing the faith I believe to be pure, carrying it into practice, rejoicing in its success and grieving at its defeat."

Leaving the field of oral debate, Mr. Yancey published a pamphlet of nearly eighty pages, called an "Address to the People of Alabama." It was an historical account of the origin and adoption of the Alabama Platform and of his course at the Baltimore Convention. "From an ungenerous, unjust and abusive press (the author said) from ill-informed declaimers, from the wretchedly contemptible effusions of anonymous letter writers and from the studied misrepresentations of that portion of my co-delegates to the late Baltimore Convention who have pretended to inform the public, I appeal to the people of Alabama." In defence of his neutrality, he said should Southern Democrats refrain from giving countenance to Cass, the election of Taylor might be the result. In that event no principle would have been sacrificed but, rather, vindicated. No Democrat, however, who consented to support Cass, could reconcile his course with his avowed devotion to principle. Nor could Cass Democrats escape an ultimate condemnation. If Democrats, refusing to do wrong, should be charged with the success of the Whigs, they would only appear in the least offensive line of conduct open to them. "I am called a disappointed politician (was the peroration), a forsaken office seeker. I have never sought an office that I did not receive. I twice resigned posts of high trust and honor when it was conceded I was in the zenith of popularity. It could be established, that I have repressed the efforts of partial and influential friends to bring me into positions of even greater dignity than I have aspired to. If I am, in any degree, a disappointed politician, my disappointment is not



personal but relates to the great interests of my native land. The principles upon which I stand will survive both bold assertion and loud, unreciprocated personal abuse. Reflection will bring with it that sense of justice which never long deserts a free, intelligent and virtuous people."

The election resulted in the success of the Whigs by a plurality popular vote. Taylor and Fillmore received 1,360,101; Cass and Butler, 1,220,644; Van Buren and Charles F. Adams 291,263, an increase of more than four hundred per cent. over the Abolition vote of 1844. Taylor and Fillmore received 163 electoral votes, Cass and Butler 127, and the Abolition ticket none. The Democratic vote of Alabama decreased about 6,000 from the Presidential election of 1844, notwithstanding the large immigration which had come into the State in the interval. The falling off of the vote of the party was attributed to the stand individuals had taken against squatter sovereignty. The country was amazed at the popular support given to Van Buren. He received nearly one-tenth of the popular vote cast.

Bitter as the feeling had been at the outset of the campaign against Mr. Yancey, on account of his refusal to follow his party away from its principles, the sincerity of his opinions and the ability in which he had maintained them pleased the people. When the Cass electors assembled at Montgomery to cast the electoral vote of the State, they made overtures to Yancey to induce him to appear in open reconciliation with his party. In this step the electors were joined by other party leaders. Explaining in an open letter what had taken place, Mr. Yancey said: "I suggested that a resolution might be passed declaring that there had been legitimate causes of difference among good Democrats in the late canvass; but that those causes were peculiar to that canvass and had passed away with it. \* \* I said that when the juncture was effected it would be with an acknowledgment of the truth of my position and not before; that I had much to forgive but no forgiveness to ask." The "juncture" came, on his own terms, eight years later, as will appear.

Calhoun advised the South Carolina Legislature to cast the electoral vote of that State for Taylor, and Rhett advised it should be cast for Cass. Cass and Butler received it.

One of the notable Democratic campaign documents, of the year 1848, was "Sketch of the Life and Public Services of General Lewis Cass," published at the *Congressional Globe* office, in two editions, one for Northern circulation, with an account, among other things, of General Cass' expressions of sympathy with the French revolution of that year; and the other for Southern circulation, with those expressions omitted and, as a substitute, a statement making it appear that General Cass failed to support the Wilmot Proviso, when that measure was before the Senate, because of his disapproval, which was not correct. The pamphlets were of the same number of pages and did not differ except in the page or two supposed to apply to the North, in one edition, and the South in the other.\*

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\*Cong. Globe, App. Vol. 29 p. 435.

## CHAPTER .

### Some Preparatory Steps.

1849.

When the delusions of the Presidential campaign had passed away, the South realized its peril. The Whigs had triumphed on the issue of the Wilmot Proviso; the Democrats had done battle for the issue of squatter sovereignty. Foremost of young Democrats to discern the party superiority of the Cass doctrine of squatter sovereignty, over the Wilmot Proviso, was Stephen Arnold Douglas, a Senator from Illinois. Neither Ghenkis Kahn or Napoleon ever contemplated conquest so entrancing as that which tempted the powerful civilization of the free States, westward to the Pacific. Wide rivers and rich valleys, abounding gold and silver, new sea-ports open to China stood out from the picture. In Europe, the French king had been dethroned, Germany was awakening, Frœbel had conceived his educational process for the poor, the Prince Consort was busily engaged in preparing the first World's Fair, destined to play so important a part in arousing the energies of the people. Ireland was prostrate in famine. The free States now rapidly lost the original American Constitutional character. Naturalization laws and land laws of Congress precipitated the process. In the year 1821 only 9,127 foreigners landed in the United States, but in 1841 there came 80,289, and, in 1851, 379,464. An insignificant proportion only, of the total immigration, settled in the slave States. New England forgot her interest in the protective

tariff while her capital sought employment in the land speculations of the West, and her merchants found fresh markets in the ever recurring multiplication of new Western towns built by European populations.

The revolution had moved forward in the essential faculties of it. The evidence was not in vague outwardness but in the abounding likenesses of the vital type. The discerning insight of deep men did not mistake them; superficial leaders only were doomed to paint them in false colors. A practical excess of political power, ever accumulating from inexhaustible sources of supply, was fixed in the free States. The slave States looked in vain for justification of their ever augmenting humiliation. They had greatly prospered since the final overthrow of the American System. Cotton shipments to Europe, which were a little more than a million bales, in 1838-39, were in excess of two and a quarter millions, in 1848-49. Had the Southern people been remiss in contributions of treasure or blood to acquire the Mexican land? With one-third of the population of the Union, the slave States had contributed 45,640 volunteers, while the free States, with two-thirds of the population of the Union, had contributed only 23,084 volunteers to the Mexican war. The slave States had contributed the two commanding Generals of the war on the American side. Why should the South seek ease from the strife?

When Congress met, in December, the air of triumph worn by the more aggressive leaders of the North in that body, greatly alarmed the Southern members. Ere the session had advanced more than a few weeks the following bills were introduced: A bill to exclude slavery from California and New Mexico, by a member from Ohio; a bill, by another member from Ohio, to take the vote of the inhabitants of the District of Columbia on the question of abolishing slavery therein, and that slaves and free negroes should vote on the question; a resolution, introduced by a member from Massachusetts, to abolish slavery in the District of Columbia. Mr. Adams dying just before the Presidential campaign opened, there was a practical amalgamation of his party with the Whigs of the North, in the present session of Congress, with Senator W. H. Seward, from New York, in the leadership.

A meeting of Senators and Representatives from the slave States was held in the Senate chamber, in January preceding President Taylor's inauguration, in 1849. After much deliberation, extending over a week in different meetings, Howell Cobb, of Georgia, Clayton, of Delaware, and others withdrew. The last meeting seems to have been on January 22. An Address to the People of the South was then put forth, written by Mr. Calhoun and signed by R. M. T. Hunter, James M. Mason, Archibald Atkinson, Thomas M. Bayly, R. L. T. Beale, Henry Bedinger, Thomas S. Bocock, William G. Brown, R. K. Meade and R. A. Thompson, *Virginia*; J. R. J. Daniel and A. W. Venable, *North Carolina*; A. P. Butler, J. C. Calhoun, Armistead Burt, I. E. Holmes, R. B. Rhett, R. F. Simpson, D. Wallace and J. A. Woodward, *South Carolina*; H. V. Johnson, Alfred Iverson, Hugh A. Haralson, *Georgia*; David L. Yulee, *Florida*; William R. King, B. Fitzpatrick, John Gayle, F. W. Bowdon, S. W. Harris and S. W. Inge, *Alabama*; Jefferson Davis, Henry S. Foote, P. W. Tompkins, A. G. Brown, W. S. Featherstone and Jacob Thompson, *Mississippi*; S. W. Downs, J. H. Harmanson, Emile La Sere and I. E. Morse, *Louisiana*; T. Pilsbury and David S. Kaufman, *Texas*; Solon Borland, J. K. Sebastian and R. W. Johnson, *Arkansas*; Hopkins L. Turney and E. P. Stanton, *Tennessee*. The Address was a statement of the sectional issue. It said:

"Owing (the blacks) their emancipation to them (the Northern whites) they would regard them as friends, guardians and patrons, and centre, accordingly, all their sympathy in them. The people of the North would not fail to reciprocate and favor them instead of the whites. Under the influence of such feelings and impelled by fanaticism and love of power, they would not stop at emancipation. Another step would be taken — to raise them to a political and social equality with their former owners, by giving them the right of voting and holding office under the federal government. We see the first step toward it in the bill to vest the free blacks and slaves with the right to vote on the question of emancipation in this District. But when once raised to an equality, they would become the fast political associates of the North, acting and voting with them on all questions, and, by this political union, holding the white race at the South in complete subjection. The blacks and profligate whites that might unite with them would become the principal recipients of federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale."

California was the apple of discord. An hundred thousand men had suddenly collected there, and still they came by ship loads and over the plains, Americans, Europeans, Asiatics with no settled purpose of abode, growing rich in the mines owned by the United States, and in no sense prepared to erect a Commonwealth in any of the traditions of America. But California already had a government suitable to the prevailing conditions. General Persifer F. Smith, soldier, lawyer and statesman was military Governor. Commodore Jones enforced the collection of tariff duties, in the total absence of federal collectors or revenue laws. Before Congress adjourned, March 4, 1849, much had been said about erecting the customary Territorial government there. The mines owned by the United States were considered sufficiently valuable to command a high rent and thus to repay a large part of the outlay incurred in the acquisition. Mr. William Ballard Preston, from Virginia, made a motion in the House to establish a Territorial government over California, with or without slavery as the people might choose, but Whigs, Democrats and Abolitionists, from the free States, voted it down. Mr. Walker, from Wisconsin, a political friend of Mr. Calhoun, offered a resolution in the Senate that the Constitution and laws of the United States, where applicable, be extended to California. The Legislature of his State promptly called for his resignation, as a rebuke. In every form of ordinary expression the people of the free States gave notice to the people of the slave States of their debarment from the enjoyment of any of the new Territory.

“The President is honest, but the most ignorant man of public affairs whom I ever saw in office,” ejaculated Toombs, as he walked away from the Executive Mansion. In the recess of Congress, foreseeing the bitter struggle to follow when it re-assembled over the erection of a Territorial government in California, the President commanded General Riley, of the army, to convene a Convention there for the purpose of framing a State Constitution. There was no precedent for such Executive action. Congress alone, under the Constitution, had power to make “needful rules and regulations” for the governing of all the territory which the Constitution contemplated, and the treaty with Mexico provided a civil

protectorate, by the United States, of the ceded lands, and their population, until they should become States of the Union. No civil population occupied California, no women, no cultivators of the soil, only miners, speculators and gamblers of all nations, with no intent to find domicile. General Riley, without authority of law, collected \$175,000 from the shipping in the port of San Francisco to defray the expenses of the civil duties he was ordered to perform. He issued orders apportioning delegates to prescribed territory. He sat daily through the deliberations of the Convention. Thus was prepared an organic law for the second largest State of the Union, and the fairest of all — one hundred and eighty-eight thousand square miles, equal to four States larger than New York, and a large part of its area south of the parallel 36° 30' lately recognized by the South as a valid division of free from slave territory by the act annexing Texas. The simple but arbitrary course of the President had not established peace, but fomented discord. When the Constitution of California, prohibiting slavery, was presented by him to Congress, and the sections took sides on the question of the admission of the State, the argument of the South was fully matured and, from a Constitutional standpoint, was invincible. The humiliation of the weaker section, for which it was unprepared, and the final exaltation of the stronger section, already lustful and boastful, were of the manifestations of the course of the President.

Returning briefly to Mr. Yancey's public history, of the year 1849, he delivered an address of welcome to the ex-President, Mr. Polk, and his family of wife and two nieces, Misses Rucker and Reed, in the name of the people of Montgomery, on the arrival there of the distinguished travelers on their journey to their home in Tennessee, by way of the Western rivers. Few of the people, as opportunity then presented itself, had ever seen a President. A committee of the city authorities, lead by Colonel J. J. Seibles, an officer of the Mexican war and now editor of the daily *Advertiser*, went up the railroad to meet the expected company to arrive in the stage coach at the terminus of the road, Opelika. Awaiting there the return of the cars to the city, Mr. Polk stood on the platform engaging in familiar conversation with the farmers

who had come in large numbers to celebrate his presence. When the train reached the station, on the suburbs of Montgomery, nearly a mile from the hotels, as the fashion then was, Chief Justice Collier, the President of the railroad, Mr. Pollard, and General Carroll, marshal of the day, met the guests with a coach drawn by six white horses. A long procession with great cheering escorted them to the Montgomery Hall, where Mr. Yancey spoke for "the only sovereign known to our institutions — the people," words of hearty welcome.

Alarmed by the aggressive action of the anti-slavery men, of all parties in Congress, as well as by the logic and startling prophecies of Mr. Calhoun's Address, Democrats of Alabama forgot their angry feeling toward Yancey. The Whigs met in Convention early in May, 1849, at Clayton, Barbour county, and nominated Mr. Hilliard for re-election as Representative in Congress. The Democrats were anxious to bring forward Yancey to contest with him. They corresponded with him, urging their right to nominate him in a time of peril. He refused. Mr. Hilliard's letter of acceptance was an eloquent appeal for justice to the South and, at the same time, a bold defiance to those of the South who should oppose the Administration of President Taylor. He said: "I declared on the floor of the House of Representatives but a little while before the close of the last session of Congress, that when the Southern States came into this Union they came in with certain rights guaranteed to them under the Constitution; and, speaking as a Southern man acquainted with the spirit of the people from which I come, I give it as my judgment, that they will be unwilling to suffer any infraction of those rights. \* \* Alabama can never consent to hold any other than an equal rank as a member of this Confederacy, and her people must enjoy all their rights in their fullest extent." Proclaiming sentiments, thus far, which were the meeting ground of the people of the whole District, the letter qualified them, as the Democrats alleged, by the following sentences: "They (the Democrats of the Calhoun school) compass sea and land to make proselytes to their cause which has neither sincerity to apologize for its extravagances nor principle to dignify its excesses. They hope to overthrow the friends of General Taylor in this District, to carry the House of



Representatives against him, to rob us of the fruits of our late glorious victory. \* \* " The task of Mr. Hilliard, therefore, was to reconcile the Whig victory with "the right of the South to enter upon the territory with its property of every description, and to remain there in its full enjoyment under the protection of the Constitution," as his letter at the outset proclaimed. The task before the Democrats was to find a candidate strong enough to meet Mr. Hilliard on the stump.

So the matter between the parties stood when the State Convention, which was to nominate a candidate for Governor, and the delegates there assembled, from the Second District, to nominate a Democratic candidate for Congress, met at Montgomery. If there was reason in Yancey's mind why Reuben Chapman, of the Calhoun school, should be Governor in 1847, the same reason was greatly confirmed by intervening events. Could Chapman be re-nominated, even supported by the precedents of the party which allowed two terms to a Governor, and also by his extraordinary personal popularity? Yancey went into the Convention well aware that Governor Martin's friends were yet stubborn under the breach of party custom, which had retired him on one term, at Yancey's instigation. He knew, too, that gentlemen of high aspirations had obtained seats in the Convention determined to rebuke Governor Chapman for appointing William R. King to succeed Bagby in the Senate, and for appointing Benjamin Fitzpatrick to succeed Lewis, the one Senator resigned and the other dead. It was argued that King and Fitzpatrick had received their share of honors, until the people themselves should recall them: and, most of all, that they came from counties separated only by a narrow river; that the Governor had been unjust in his favors bestowed. Knowing the opposition he would receive, and the grounds, Yancey took his seat in the Convention to do battle. He put Chapman's name in nomination. Several ballots followed in which Chapman received a large majority of those present but fell a few votes below the two-thirds necessary to nominate. Yancey explained to the Convention, that he had positive knowledge that a number of delegates from Northern Alabama, Chapman's friends, sufficient to give him more than two-thirds of the Convention, were delayed. The balloting went on, but the few

votes needed by the Governor to re-nominate could not be obtained. Yancey rose to withdraw Chapman. He delivered one of those electrical harangues which were wont to rouse men to frenzy. The Convention was about to dishonor itself by stultifying the party and the will of the people. Ambitious men were bent on revenge. Mr. Columbus Lee, of Perry, called the orator to order. The chair held he was not out of order. Mr. Lee appealed from the decision of the chair and the whole Convention, except Mr. Lee, voted to sustain the chair, members crying from all parts of the hall to Yancey, "Go on." "Go on." The impassioned orator declared, in conclusion, that if the Convention would command the confidence of the public it must select some name, having rejected Governor Chapman, which was not involved in so disreputable an occurrence. Thus the Chief Justice, Henry W. Collier, received the nomination.

The Democrats of the Second District, now convinced of Yancey's refusal to accept a nomination for Congress, selected a young lawyer, self-made, able, robust of body and ardent in zeal, only the year before a pronounced Whig, an elector on the defeated Taylor ticket, to oppose Mr. Hilliard — James Lawrence Pugh. The joint canvass began. Yancey, too, entered the field. Never was there a higher display of popular feeling. The public mind was surrendered to the agitation of the canvass. A meeting between the candidates was appointed for Mount Meigs. The Democrats insisted that Yancey should attend. A correspondent gave the following report of the scene:

"There was a crowd at Mount Meigs to enjoy the promised sport on Thursday. The old church seemed likely to become the theatre of a scene not exactly in line of the purpose for which it was built. Mr. Pugh was there, smiling and confident. Mr. Hilliard, too, was there. We noticed, also, the candidates for county offices were on hand, ready to strut their brief hour when the grand display promised should expire — naturally as the farce follows the tragedy. There was a long delay. Finally it was made known Mr. Hilliard would not speak unless he could close the debate. Then distinct propositions came from Pugh, to be all declined. First, Pugh proposed to debate on the usual terms, the same as had

been allowed the day before; second, to commit all arrangements to two Whigs; third, the candidates themselves should not speak, leaving the discussion to go on between their friends present. To the third proposition Mr. Hilliard objected. Should Yancey speak, Hilliard reserved the right of reply. The fourth proposition came from Yancey. He offered to debate with Mr. Hilliard, giving him the conclusion, provided neither speaker should refer to Pugh — Hilliard to ‘lint’ Yancey to his satisfaction. Yancey promised, on these conditions, to confine himself entirely to the Southern question, and to prove from Mr. Hilliard’s speeches in Congress, and from his vote for Winthrop, for Speaker, in 1847, and other matters of record, that he was too far below the requirements of the times to deserve re-election.” Mr. Hilliard replied to this that he would debate with Mr. Yancey, reserving the right to refer to Mr. Pugh. Hilliard’s friends presented a fifth proposition — that arrangement for debate be left with three supporters of each candidate. The result was, no debate took place.

Hilliard defeated Pugh. The friends of the victor prepared a banquet in his honor. Whig joy was pledged over the cup until a late hour, and many were the jests, at the expense of the new “resistance” party in its first encounter with public opinion in Alabama. The following characteristic correspondence took place:

“MONTGOMERY, August 10, 1849.

“Hon. Henry W. Hilliard —

“SIR: I understand that at a party celebration of your friends last night, at the Exchange, in alluding to the contest just past, you spoke of it as assimilated to a game of cards; that ‘the best trump of my adversaries was reserved for the last, and, lo! it turned up a knave.’ This figure was applied, as I am informed, in such manner as to leave the impression that I was the person referred to — one ‘brought all the way from South Carolina.’

“Is the above a correct version of your remarks, in spirit or substance? If not, and if you alluded to myself in any manner, I request that you will state the language you used.”

“Your ob’t s’v’t,

W. L. YANCEY.

“MONTGOMERY, August 10, 1849.

“DEAR SIR: I hasten to reply to your note, which has just been handed to me by Colonel Elmore, and which, I regret to see, discloses

some feeling in regard to a playful remark of mine, made last evening at the Exchange Hotel. \* \* Our personal relations have been uniformly kind, and I have too sincere respect for those relations to employ any remark in regard to you which could be construed to your injury. \* \* If you had heard my speech, I am sure you would have laughed at it in perfect good temper."

"Very respectfully, your ob't serv't,

"H. W. HILLIARD."

*Hon. W. L. Yancey.*

Collier was elected Governor without opposition. His political opinions were not well pronounced on the questions of the day. Bowdon, Inge, and Harris, three of the signers of Mr. Calhoun's address, were re-elected Representatives. John Gayle, another signer, was not a candidate for re-election, but from his, the Mobile District, Alston, Taylor Whig, defeated Sellers, State Rights Democrat. Hubbard, extreme State Rights Democrat, succeeded Houston, Union Democrat; and Cobb, Union Democrat, was elected in the upper counties. Alabama, therefore, in this period of the sectional conflict, leaned towards the State Rights determination. Her invincible Senators were, apparently, yet devoted to the address they had signed—one of the most remarkable political prophecies of any time.

The Thirty-First Congress assembled in extremely ill temper. Governor Collier sent to the Legislature of Alabama, in December, 1849, a letter just received by him, dated Washington, and signed by Benjamin Fitzpatrick, the only Senator present, and by six of the seven Representatives of the State. The letter declared the federal government had become inoperative and was menaced with immediate dissolution. For three weeks the Lower House of Congress had been unable to organize. Each day the clerk called the roll, and balloting proceeded to choose a Speaker, and day by day the members harangued and adjourned in turbulence, with no progress. There were four organized parties on the floor, but only three had candidates for the Speakership. Howell Cobb, from Georgia, who had refused to sign Mr. Calhoun's Address, was the candidate of the Democrats—a compromise nominee. Robert C. Winthrop, from Massachusetts, Whig Speaker of the last House, was the Whig candidate now. Meredith P. Gentry, from Tennessee, was the candidate of a new party,

calling themselves Southern Whigs. The fourth was the party of the late John Quincy Adams, which, without a competent leader, held itself in readiness to throw its weight wherever its interests in the changing circumstances of the hour might appear.

The Democrats, wearied and alarmed, at length dropped Cobb for William J. Brown, from Indiana. The rules required a majority of all the members enrolled to elect a Speaker. Brown received the necessary vote but, on inquiry, it was detected that he had bargained with the Adams party. Before the completion of the roll call, a sufficient number of Democrats changed their votes to rebuke their candidate with defeat. Brown, from Mississippi, offered a resolution declaring Cobb Speaker. It was not a Constitutional resolution. Toombs took the floor in a scene of wild disorder. The Democrats, he said, anxious to save the Republic, had become the victims of treachery in their own ranks; the faction setting themselves up as moralists, had been privy to the dishonorable act. "Give me the security (cried the impassioned Georgian) that the power of the organization you seek will not be used to the injury of my constituents, and you shall have my co-operation, but not until then." At the end of a month of disgraceful scenes on the floor, the Democrats and Winthrop Whigs appointed a committee of conference. Without the least authority in law, the committee reported, dispensing with a rule of the House for a mere resolution, to accomplish an election. The instant their report was read Toombs sprang to his feet to repudiate it. The Constitution required the House to establish and observe rules, and the rules of the last Congress were the rules of the present, until repealed. No organization had been effected by law, and no legislation was possible. Therefore, all motions to suspend or infract upon the rules were illegal. "Order:" "Order," was shouted from every quarter. The Clerk interposed: "Will the gentleman from Georgia allow me to put the question upon the motion to rescind the rule?" "No. I have the floor," was Toomb's reply. Vehement shouts, "Sit down;" "Silence," and calls for the yeas and nays rang through the hall. "You may cry 'order,' gentlemen (continued the orator) until the heavens fall, you cannot take the floor from me. \* \* I shall

continue to debate this question whether you call the roll or not. \* \* You must first be sworn to obey the Constitution before you can bind me or yourselves by your acts. You refuse to hear either the Constitution or the statute (cries of 'order'). \* \* The law is plain, clear and conclusive. You cannot answer it. Finding this illegal resolution inadequate to secure so vile an end, you resort to brutish yells and cries to stifle the words of those whom such demonstrations of your wrath cannot intimidate." The resolution was carried; Cobb was declared Speaker, but there was no law to make the declaration valid. Thus was enacted the first in order of those "compromises" for which the Thirty-First Congress became notable, and which hurried the country forward to irreparable disaster.

The Legislature entered with alacrity into the spirit of the letter of the Congressmen, transmitted by the Governor. Resolutions were passed publishing "to the Congress of the United States, to the States of this Union, and to the world the ground which self-respect, honor and Constitutional equality demand that this State shall occupy." Alabama would "never submit to any act of the government of the United States which excludes the South from a fair and just enjoyment of the territory acquired from Mexico, and which is the property of the States of this Union;" in the event of the passage of the Wilmot Proviso, or any similar act, "we call upon the people of the slave States to meet in Convention for taking such action as the defense of our common rights may demand." Senator John A. Winston moved to amend the resolutions with the following, which passed unanimously:

"That in the event of the passage by Congress of any act contemplated by the foregoing resolutions, the members of Congress from this State should no longer participate in the action of a body so regardless of our Constitutional rights."

There was neither Whig nor Democrat to raise a voice against this official response of Alabama to the united warning of the State representation in both Houses of Congress, save one. Before any other State had acted on the issue of the day, now for the second time, within two years, Alabama had spoken. The Legislature had vindicated the Democratic Convention of 1848. As that Convention had lead the

Democratic opinion of the day, expressed directly by the people, so the organized government of the people now sustained it. Alabama was in the lead. Yancey had triumphed.

The angered sections stood with bated breath. If deliverance was hoped for, the deliverer must be found at once. Mr. Clay was appealed to by old friends and old foes. He was long past three score and ten, but his bearing was gallant still, and his mental faculties acute. He consented to leave the retirement of his farm to prepare a last "compromise." He was heard to say, he hoped it would endure for thirty years.

## **CHAPTER 11.**

### **The Last "Compromise."**

1850.

The long delay in organizing the Lower House, of the Thirty-First Congress, was endured by the Senate in silence. Mr. Clay was in his seat, while the country waited in acute tension the great task assigned to him. California, with a fully organized State Government in operation, was conscious of the mastery in herself of the situation. The State had more to give to the Union than the Union had to bestow on the State. What would be done by the federal government to stay the progress of revolution? Mr. Clay rose to speak, on January 29. From States near and remote, thousands had come to hear him, so that from early morning the space in the Capitol, allowed to the audience, and the space beyond earshot was crowded with an anxious throng. He spoke on two successive days with the fire of his prime. The Clayton "compromise" was before him, numerous resolutions offered on the exciting subject in both branches of Congress, also. At the conclusion of his remarks on the second day he read a series of resolutions prepared by himself. They were more equitable than the revolutionists would accept. There was a fixed purpose to prolong debate and foment discord. Mr. Bell, from Tennessee, introduced resolutions. Day by day, through weeks and months the angry tide of revolution flowed higher, absorbing the entire care of both Houses of Congress. All questions save the anti-slavery Constitution of California,



were dismissed by common consent. Ceaseless were threats of the people in both sections to settle for themselves the dispute of the sections on the floors of Congress. Mr. Foote, from Mississippi, in vain urged the Senate to refer the resolutions of Messrs. Clay and Bell to a select Committee. A petition from Abolitionists of Pennsylvania, and another from Abolitionists of Delaware prayed Congress to appoint a committee to draft terms of a dissolution of the Union. February 27th, a member from the West introduced in the House a resolution to admit California. The motion was promptly submitted to the Committee of the Whole House and the storm of passion, which had raged already three months, received fresh impulse. Mr. Toombs, from his place, said :

“ We had our institutions when you, gentlemen of the North, sought our alliance. We were content with them. We have not sought to interfere with yours nor to thrust ours upon you. If you believe what you say, that yours are so much the best to promote the happiness and good government of society, why do you fear our equal competition with you in the Territories? We only ask that our common government shall protect us both, equally, until the Territories shall be ready to be admitted as States of the Union, and then to leave their citizens free to adopt any domestic policy, in reference to this subject, which in their judgment may best promote their interest and their happiness. Grant it, and you place your prosperity and ours on a solid foundation; you perpetuate the Union, so necessary to your prosperity; you solve the true problem of Republican government; you vindicate the power of Constitutional guarantees. \* \* In this emergency our duty is clear — it is to stand by the Constitution and laws; to observe in good faith all its requirements, until the wrong is consummated; until the act of exclusion is put upon the statute book. It will then be demonstrated that the Constitution is powerless for our protection; it will be then not only the right but the duty of the slaveholding States to resume the powers which they have conferred upon this government and to seek new safeguards for their future security.”

March 4th, Mr. Calhoun rose from his bed of death to appear in the Senate with the manuscript of a speech which he was unable to deliver. Senator Mason, from Virginia, read it to the body, while the animated countenance of the emaciated figure at his side interpreted each recurring sentence. The desperate condition of the country was not the work of time, in its normal action, the statesman declared. He had protested, in 1835, against giving Congress jurisdiction of

petitions to abolish slavery. He was overruled and the result was, an oppressive partiality had marked the course of the government. At last the Executive had taken sides. Throwing out the intimation that the Mexican law prohibited Southern men to enter California with their property, the utmost encouragement of our common government had been given to Northern men to carry their property thither. The next step in the program was the sending to Congress, by the Executive, of a paper purporting to be a State Constitution. It was a very grave crisis in the history of the American people when they were called on to tolerate the action of the Executive. It was a very grave assumption of authority in the Executive to pronounce California a "State." Could the Senate account for such a State? Had any authority gone forth for its creation? Whence came the legal or Constitutional existence of such a political community? He knew of no sufficient ground on which it could claim appearance before the Senate. Texas, a fully organized Republic, had been annexed by treaty that all understood. Ohio and other fully organized States, under processes known to the Constitution, and authorized by Congress, had been admitted. But, in the case before the Senate, the operation of the Constitution had had nothing to do. The Executive had undertaken to enlarge the Union of his own will, or to establish a State, to stand away to itself, made out of the common estate of the Union. "The State, before it is admitted, (said the speech) is actually a State and does not become so by act of admission, as would be the case with California, should you admit her contrary to the Constitutional provisions and established usage heretofore." It was high time to endeavor to stay the progress toward disunion which such measures were calculated to effect. Of the many and various chords that held the people of the sections together, nearly all were overstrained. Except the Catholic Church, the religious bodies were organized in smaller and greater assemblies on the same general principle of the political government. When it was remembered that the great Methodist Episcopal denomination had been rent by sectional questions, the Baptists, also, with the Presbyterians about to follow, evidence was found to prove the Union was already destroyed to the extent that these disrupted organizations

represented public opinion in both sections. Washington was born and reared under a political union that he served with distinguished fidelity, but his devotion was rational and, therefore, under circumstances of a just nature, he abandoned it to serve another Union.

Mr. Webster spoke for the Union, March 7th, with great effect. March 11th, Mr. Seward replied to Mr. Calhoun's speech. He repudiated the postulate, that a government could be founded on compromise. Mr. Calhoun had demanded an amendment of the Constitution providing for a Northern and a Southern Executive. The theory that there could be an operative compact between co-ordinate powers of government was incompatible with progress. "But it is insisted (he said) that the admission of California shall be attended by a compromise of questions which have arisen out of slavery. I am opposed to any such compromise in any and all forms in which it has been proposed. \* \* *But there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purpose.*"

Mr. Calhoun returned to the Senate the day after his speech was read. He arrived late and found Mr. Foote had severely criticised the speech, denouncing him as a disunionist. He repelled, with animation, the impeachment. It was disunion to destroy the character of the government, even if the integrity of the empire be maintained. He appeared no more. The resolutions of Messrs. Clay and Bell, with many other resolutions and bills on the same general subject, thirty-nine in all, were referred to a special Committee of Thirteen, composed of Messrs. Clay, Cass, Webster, Bell, William R. King, John M. Mason, Phelps, from Vermont, Daniel S. Dickinson, from New York, Cooper, from Pennsylvania, Mangum, from North Carolina, and Bright, from Indiana. They reported the Omnibus bill on May 8th. There was a provision allowing the people of the "new" Territories to determine the question of slavery for themselves. Mr. Douglas, speaking in ultimate defense of squatter sovereignty, objected to the word "new." A long debate followed, the report was recommitted and the objectionable word eliminated. Mr. Jefferson Davis said he would be content with nothing less than the extension of the Missouri "compromise" line to the Pacific.

The debate continued in both Houses and the unrest of the people in their homes grew apace. A county meeting in Mississippi, following the example of the Legislature of Alabama, called on the slave States to meet in Convention, at Nashville. Many of the ablest men of the South met there in response to the call, June 3, 1850. Chief Justice Sharkey, of Mississippi, a Union Whig, was chosen to preside. John A. Campbell, of Alabama, wrote the resolutions and Robert Barnwell Rhett wrote the Address to the People. The resolutions declared the willingness of the South to accept the extension of the Missouri "compromise," or the line  $36^{\circ} 30'$ , north latitude, to the Pacific, as the boundary, north of which slavery should not go and south of which the people of the Territories might, when they came to form States, tolerate or prohibit the institution at will. They deprecated any decisive movement of the Southern people at that time. The Address was far more emphatic in recommending an active policy. The Convention adjourned, to meet again after the adjournment of Congress, should that body fail to act favorably toward the South, in the opinion of the presiding officer.

The motion of Senator Jefferson Davis to extend the Missouri "compromise" line to the Pacific had been rejected, June 17th; Mr. Soule's amendment to the Omnibus bill, that when a Territorial government should be organized thereafter, it should be with the proviso that the State which might be formed, from the area, should come "into the Union with or without slavery as their Constitution may prescribe at the time of admission," had been adopted, 38 to 12, Mr. Seward, although near by, failing to vote. These facts being known, a meeting of the citizens of the city and county of Montgomery was called to hear a report from Honorable George Goldthwaite, delegate to the Nashville Convention. Watts, Mayes, Noble, Seibles, Bagby, Semple, Belser, Yancey, Whigs and Democrats, with a throng of planters and merchants assembled at the court room on Saturday morning, July 13. Two presiding officers were chosen, John A. Elmore, Democrat, and Thomas Williams, Jr., Whig, also two Secretaries of opposite parties — Adam Felder and Jefferson Noble. The forenoon was given to the speech of Judge Goldthwaite. He was pleased with the action of the Nashville Convention. He had

met many eminent men there and no temper of submission. He had been a Union man, he was not now a disunionist, "but if the assertion of just rights brings disunion, let it come!" The meeting received in the afternoon the majority report of ex-Governor Bagby, from the Committee on Resolutions, and a minority report from the same Committee, made by Judge Mayes. The ladies were now in attendance in considerable numbers. Bagby, Watts, Semple, and Ware had spoken, some for the non-committal majority report, some for the more positive minority report. "All eyes were now turned toward Mr. Yancey, many of the audience knowing pretty well what to expect from him. He rose in his seat and began, but he was called upon to take the stand. He ascended the stand. But how shall his speech be described? To what shall be compared the exhilarating, spirit moving eloquence that fell from his lips? There were those (he said) who continually cried out for 'unanimity!' He was, himself for unanimity upon an honorable line of conduct. He was not for unanimity of submission to premeditated wrong. The South was approaching, if not already arrived at, a unanimous determination to uphold her Constitutional rights. He impeached no man's motives but this was a time to dispense with party claims." Mr. Watts replied with much feeling to Mr. Yancey. He would oppose the separate action of any State of the South in the prevailing crisis. He would await the contingencies provided for by the resolutions of the Nashville Convention. When the time for action came, he would trust the whole South to take the steps proper and expedient. Mr. Yancey brought up some resolutions of his own which, with Judge Mayes' consent, he offered as a substitute for the minority report. He said he regretted to discover a disingenuous effort in the majority report to separate the resolutions, adopted at Nashville, from the Address that Convention had sent out to the people. He preferred the Address to the resolutions. He objected to the minority report because it proposed to the South to revenge itself on the North by certain commercial resorts, non-intercourse, for example. He objected, farther, to that report because it suggested certain contingencies in the future which might justify the Governor of Alabama in calling a secession Convention. He would not

deceive the people, but inform them; he would not fritter away public spirit but fortify it to consider the truth in all its perilous meaning. He was especially anxious that the Southern States should pledge themselves to assist Texas in any attempt of that State to resist the partition of her territory by the federal government, a measure now threatened.

Mr. Noble presented a series of resolutions in which the sense and many of the expressions of Mr. Yancey's resolutions together with certain parts of both reports, were skillfully combined. Mr. Yancey cheerfully accepted Mr. Noble's resolutions on the one condition, that one of his resolutions be incorporated intact, and they were adopted. Colonel Seible's resolution that the people of the State of Alabama be invited to attend a barbecue, in Montgomery county, to consider the situation, was unanimously adopted. It being now after candle light, Mr. Yancey moved a resolution of thanks to the ladies for their attendance and patience. They were always on the side of union, he said, "but only a union of equal rights, mutual fidelity and reciprocated love." "The meeting adjourned in excellent humor," after appointing Messrs. Yancey and Moss as additional delegates to the Nashville Convention, should that body be re-convened.

The "compromise" had been exhaustively discussed in the Senate. Mr. King, from Alabama, moved to make  $35^{\circ} 30'$ , north latitude, the Southern boundary of the new State, because the lay of the mountains favored that line. The vote was taken and the motion rejected. Mr. Davis, from Mississippi, moved that the same rule apply to California that had applied to Texas, to-wit: that the line  $36^{\circ} 30'$  should divide free from slave territory, and the vote being taken stood, 32 against to 23 in favor. Mr. Douglas moved that the Southern boundary of the new State should be the 38th parallel of north latitude, and the motion was voted down, 37 to 26. Mr. Foote moved that "the State of California shall never claim as within her boundaries any territory south of  $36^{\circ} 30'$ ," and the motion was voted down. Mr. Turney, from Tennessee, moved, that "the southern limits of California shall be restricted to the Missouri Compromise line," and the motion was rejected, 30 to 20. Mr. Davis, from Mississippi, moved that, in the Territories of Utah and New Mexico, the old Mexican

law forbidding slavery should be considered revoked, and the motion was lost. On all these motions there was earnest debate. Finally, the bill to admit California, with her Constitution, passed, August 13, and the day following Jefferson Davis, with many other Senators of the slave States filed their protest against the legislation. The bill went to the House and, after protracted and bitter debate, passed that body.

The "compromise" of 1850 consisted of five different acts, passed at long intervals. Neither the resolutions of Mr. Clay or Mr. Bell, or the report of the Committee of Thirteen contained the measure. As approved by the President, the acts stood in the following order :

(1) The act to admit California, a free State more than four times the area of the State of New York, a large part of which lay south of the Missouri "Compromise" line; passed the Senate, August 13.

(2) The act proposing to the slave State of Texas, in consideration of the sum of \$10,000,000 to be paid to her by the United States, to relinquish certain territory claimed by her to the north and west, and the incorporation of a part of the same in New Mexico, *provided*, that provision of the act annexing Texas which recognized the Missouri "compromise" should not be qualified or impaired, except as to that part of said Texas territory incorporated in New Mexico; together with a provision organizing a territorial government for the Territory of New Mexico, an area almost twice as great as the State of New York, guaranteeing "that said Territory, or any part thereof, shall be received into the Union with or without slavery as their Constitution may prescribe," but ignoring the old Mexican law prohibiting slavery in all the same area, while in a Territorial condition; adopted, September 9.

(3) The act to establish a Territorial government for Utah, an area nearly three fold as great as the State of New York, on the same conditions as to slavery and the old Mexican law as the New Mexico act; adopted, September 9.

(4) The act to amend the act of 1793, providing for the execution of the provision of the Constitution as to the rendition of fugitive slaves; adopted, September 16.

(5) The act to suppress the trade in slaves in the District of Columbia.

An analysis of the "compromise" shows, that it applied the Wilmot Proviso to California; that, constructively, it retained in authority the old Mexican law prohibiting slavery in the Territories of New Mexico and Utah, in their Territorial condition, by neglecting to repeal it; that, a provision of the federal Constitution, adopted unanimously and without which



the Union could not have been formed, was required to be executed; that the most valuable species of property in half the States of the Union was condemned to cumulative insult by closing the market to it in the common estate of the States, the District of Columbia, the penalty of disobedience of the law being, instantaneous confiscation of the property offered for sale.

Mr. Clay took a very active part in the passage of the several acts that composed the "compromise" and, probably, without his interference the remedy would not have been found for the "five bloody wounds of the Republic" he declared had been so healed.

Speaking to the measure, as a whole, in the Senate, he said: "Sir, really, these little posthumous debates, after one has become exhausted by the main battle of the day are very unpleasant. I ask the Senator what right is sacrificed by the North in this measure? I do not want general, broadcast declamation but specifications. Let us meet them like men, point upon point, argument upon argument. Let him tell me if the North does not get everything and the South nothing but her honor. Show us the power to which the Northern sacrifice is made!" Mr. Webster, speaking, also, on the same measure, in the Senate, said: "As to the territorial acquisitions, I am bound to say, taking Maryland for example, that Maryland will gain what Massachusetts loses, and that is nothing at all." Horace Greeley, through the columns of his paper, the organ of the Abolitionists, proclaimed a "great triumph for freedom" in the passage of the "compromise."

No regular session of the Alabama Legislature was due immediately after the passage of the "compromise," and Governor Collier did not deem it wise to summon an extra session. A meeting was called at the State capital to ratify the measure and was largely attended by Whigs from the rich slave counties of the vicinage. Senator William R. King approved the object of the meeting. Marengo was next, after Montgomery, the most populous slave county, and on the first day of the fall term of the Circuit Court a very large meeting of the planters assembled at the Court House to consider what to do. A hot debate began in the morning and proceeded without intermission until long after nightfall when, on a division of the



house, a resolution, offered by John W. Henley, a Whig, lawyer and planter, to "acquiesce," prevailed. The action at Montgomery and at Linden seemed to deter the Secessionists from any immediate attempts to induce the Governor to act, but, under the lead of Mr. Yancey, Southern Rights Associations were organized. The Whigs met this movement with Union Clubs. The Legislature of South Carolina called a sovereign Convention, with the expectation that it would withdraw the State from the Union. The Legislature of Mississippi submitted to the people, with apparent reluctance, a proposition to call a sovereign Convention for the same purpose.

The Georgia sovereign Convention met in December. The Unionists were in large majority. The Ordinances and Resolutions of the body became the supreme law of the land, and, therefore, were of great importance to all the slave States. The Georgia Platform was ordained by the Convention and published. It was based on the general theory that the slave States were in imminent peril of their liberties from the aggressions of the free States; and cited the following apprehended acts which, if perpetrated by Congress, would justify the secession of the State from the Union:

The integrity of the empire, the United States, would not be weighed against the security of the liberty of the people of Georgia, and, therefore, while the State would accept the compromise in a spirit of concession, if Congress at any future time should—

Abolish slavery in the District of Columbia, without the consent and petition of the slaveholders thereof;

Or abolish slavery on the reservations of the government, such as arsenals, forts, etc., within the limits of the slaveholding States;

Or suppress the slave trade between the slaveholding States;

Or refuse to admit a State into the Union because of its Constitution tolerating slavery;

Or repeal or modify the laws then in force for the recovery of fugitive slaves;

"Then the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to a disruption of every tie which binds her to the Union."

The parenthetical qualification of the obvious intent of the Platform — "(as a last resort)" — was an ingenious negation which had no other effect than to prove the deep purpose of the authors. It was true, however, that when Congress had virtually accomplished all the acts, severally proscribed by the Platform, those who conceived and perpetrated the parenthesis claimed the benefit of it.

South Carolina and Mississippi, in effect, accepted the Georgia Platform.

When Congress re-assembled in December, after a short recess, the Southern promoters of the "compromise," who were yet members, in alarm at the earnestness of the people, organized a new party and called it the *Union Party*. No declarations of principle were published, save the sanctity of the "compromise." The founders published an address signed by Democrats and Whigs — Howell Cobb, Henry Clay, Henry S. Foote, Henry W. Hilliard, Toombs, Stephens, forty-five in all. The Union Party, yet not under that style and name, carried the next Presidential election, and perished forever. The ill-fated "compromises" had enfeebled political ethics, blinded the public appreciation and practically usurped the prerogative of amendments of the organic law, specially provided for the great exigencies through which the country was destined to pass.

## **CHAPTER 12.**

# **Secession Defeated. .**

1851.

President Taylor died in the midst of the undetermined debate on the "compromise." In his letter to Mr. Allison he had taken the Whig, or consolidation view of the veto power, and the opponents of the measure before Congress had no hope of its ultimate defeat by the Executive interposition in the use of that prerogative. High ran the hopes of the Abolitionists when Mr. Fillmore, whose sympathies had once been pledged to their measures, succeeded to the Chief Executive office. But deep was their chagrin when they discovered that he stood firmly on the committals of the head of his party against the exercise of the veto power upon bills of the class of the "compromise." The measures composing it, one by one, received the Executive sanction, and no sooner had the fugitive slave law passed that ordeal, than the Abolitionists of Boston met to denounce the President. Mr. Charles Sumner, their favorite orator, spoke to them at Faneuil Hall. He said: "Into the immortal catalogue of national crimes this has now passed; drawing with it, by an inexorable necessity, its authors also; and chiefly him, who, as President of the United States, set his name to the bill and breathed into it that final breath without which it would have no life. Other Presidents may be forgotten, but the name signed to the fugitive slave bill can never be forgotten. There are depths of infamy as there are heights of fame. I regret to say what I must, but

truth compels me. Better far for him had he never been born; better for his memory and the good name of his children had he never been President." Two other remarkable evidences of the turbulent temper of the people of Boston, excited by the passage of the "compromise," appeared. A gallant officer from Massachusetts, Lincoln, had fallen on the field of Buena Vista. His remains were now brought home for interment, but Boston denied them the customary civic honors, because, as the report was spread abroad on the prevailing winds of fanaticism, the soldier had given his life for the extension of slavery. Mr. Webster, having been elevated to the head of Mr. Fillmore's cabinet, repaired to Boston to speak at Faneuil Hall in vindication of the "compromise," but the doors were closed against him, while the Legislature, in rebuke of him, chose as his successor in the Senate, the candidate of the Anti-Slavery Society, who had just spoken at Faneuil Hall, Charles Sumner, the first in order, of Abolition Senators. In every assembly of the Anti-Slavery Society invocations of divine wrath were pronounced against the President, who had deserted his principles. "The fugitive slave of the United States is among the heroes of the ages (declared their orators), we will protect him by force." Mr. Webster, repulsed, as Calhoun had warned him, twenty years before, he would be, in his own home, went to Buffalo, New York, to address the neighbors of the President, to allay the hostility against him there. He said: "I am a Northern man. I was born at the North, educated at the North, have lived all my days at the North. I know five hundred Northern men to one Southern man. My sympathies, all my sympathies, my love of liberty for all mankind of every color are the same as yours." He denied that the Constitution carried slavery into the Territories, and declared the South had gained no right under the "compromise" that would be of the least advantage to her. He would "never consent that there should be one foot of slave territory, beyond what the old thirteen slave States had at the formation of the Union. Never, never." The Anti-Slavery Society rushed into the arena of fresh disturbance with quickened zeal. The press, the rostrum, the stump, the pulpit were called into its work. Rev. Theodore Parker was invited to

deliver a special sermon on the "great iniquity." The hall selected was insufficient to seat the excited crowd that came to hear him. "Let us disquiet and bring up (he said) the awful shadows of empires buried long ago and learn a lesson from the tomb. Come, old Assyria, with the Ninevahn dove upon thy emerald crown. What laid thee low? 'I fell by my own injustice, and therefore Ninevah and Babylon came with me to the ground.' Oh, queenly Persia, flame of the nations, wherefore art thou so fallow? 'Because I trod the people under me, and bridged the Hellespont with ships and poured my temple-wasting millions on the Western world, I fell by my own misdeeds.' \* \* Oh, manly and majestic Rome, millions of bondsmen wet the soil with tears and blood. Do you not hear it crying yet to God? Wicked men are cabinet counselors, flatterers breathe poison in our ears. So, here have I my recompense! Go back and tell the new born child, who sitteth on the Alleghanies, laying his either hand upon a tributary sea, a crown of thirty stars upon his youthful brow, tell him, that there are human rights which States must keep or they shall suffer wrongs! Tell him: there is a God who keeps the black man and the white, and hurls to earth the loftiest realm that breaks His just, eternal law!"

Indignation meetings of Abolitionists convened in many places. At Syracuse one assembled, at which Lewis Tappan offered a long series of resolutions declaring no peace should come "until the *higher law* has the ascendancy in the councils of the nation." Wymouth, Massachusetts, in its "official action," adopted the following resolution:

"That all slaves owe it as a sacred duty to themselves, their posterity, and their God, to escape from slavery by running away, or *by such other means* as in their opinion are right and best adapted to secure to themselves and their children their inherent and inalienable right to liberty and the pursuit of happiness."

A public meeting at Springfield, Massachusetts, declared that, "law or no law, Constitution or no Constitution, Union or no Union, no fugitive slave shall be molested on the soil of Massachusetts." By Greeley's invitation the New England Anti-Slavery Society met at New York, to celebrate the anniversary of its birth. Thomas H. Benton was invited to preside, but the duty fell upon Garrison first and next a negro.

The chairman called the meeting to order and announced the subject for discussion, as previously agreed upon, to be: "That the one grand vital issue to be made with the slave power is, the dissolution of the existing American Union." On the second day, Mrs. Lucretia Mott censured the practice of opening the meetings of the Society with prayer—"it is a plagiarism from christian societies," she said; Mr. Wendell Phillips said, "the society clings to the appellation of infidel;" Mrs. Abbe Kelly Foster, while denouncing the Bible Society, accepted Mr. Phillips' appellation, for she proudly claimed the title of "infidel;" Mr. Garrison frankly confessed he "believed in nothing but the slave"; Hon. Edmund Quincy protested that "the Constitution displayed the ingenuity of the very devil"; Mr. Henry C. Wright "thanked God that he was a traitor to the Constitution, and he would like to see the President hung. I have no reverence for the religion of this country. I have no reverence for its God; for He is the God of slavery, and the God of slavery is my devil. Whether in heaven or on earth, He is my devil." Infidelity ran riot in the ever expanding ranks of the Society. "I do not take the church for my master, nor the Bible for my master," exclaimed Rev. Theodore Parker. Theodore Tilton, one of the most active and brilliant of the party lecturers, declared from the rostrum: "The marriage law of the New Testament is an impairment of the rights of human nature." "Give us an anti-slavery Bible, and an anti-slavery God," cried Anson Burlingame, a Representative in Congress from Massachusetts. Margaret Fuller, Countess Orsoli, the most "strong minded" of the female public characters of the Abolition party, declared: "As Abraham called for a Moses, a Moses for a David, David for a Christ, so is another ideal now needed. We want a life more complete and various than Christ." Spiritualism, free-loveism, Millerism, Mormonism, taught by Abolitionists, and by the adherents of the Abolition party only, were propagated by both sexes, from the pulpit, from the rostrum, by tracts, by illustrated newspapers and every other resource of man's ingenuity.

Many and various were the evidences that the "compromise" had not pacified the Abolitionists. In a few weeks after its enactment a gentleman of Winchester, Virginia,

repaired to Harrisburg, Pennsylvania, claiming the benefits of the new law in the recovery of two fugitives, his property. Legal impediments were thrown in his way, two months were consumed before the courts, and an expense of \$1,450 incurred when success, at last, crowned the effort. In the city of New York, the fugitive, Long, was found by his master. Under numerous actions, bonds amounting to \$50,000 were required of the claimant to pursue his property under the new law. The President was duly impressed with the open acts of rebellion against the fugitive slave law in many free States, and in his first annual message, delivered in December after the September in which the "compromise" passed, he warned the people of his resolution to enforce the law. Meantime, George Thompson, the lecturer, had been brought over, by the Anti-Slavery Society, from Exeter Hall, to arouse the people to resistance. Defiant of all legal warning, the Society, and unorganized enterprise as well, continued to pour upon the records of both branches of the national Legislature petitions for the repeal of the fugitive slave law. January 8, 1851, forty-two citizens of Pennsylvania prayed Congress to abolish slavery, or to legislate to the end that the people of that State should no longer be "morally responsible" for the perpetuation of the institution. On the same day forty-eight citizens of Wisconsin prayed Congress to repeal the fugitive slave law. The utter misconception of the principles of the federal Constitution, exposed in the phraseology of all the petitions, and the evidences they bear of religious fervor, in pursuit of revolution, impart to the documents an extraordinary historical value. The petition from Wisconsin demanded the repeal of the fugitive slave law, "because it suspends the writ of *habeas corpus*," ignoring the fact that *habeas corpus* and the right to reclaim fugitive slaves were provided by the same organic law; because, "it is contrary to the Constitutional right of the people to be exempt from unreasonable search and seizure," ignoring the fact that negro slaves were not citizens of the United States; because, "by this law, if one person should see another seize a third person in the street, and he should assist the third person to make his escape, he subjects himself to a fine of one thousand dollars and six months imprisonment; and that, by this law, the commands of Christ

are, in some cases, made void, as the person who may feed, clothe and take in the stranger subjects himself to one thousand dollars fine and six months imprisonment. Therefore, if you, gentlemen of Congress, love your country and delight in her institutions, if you believe in the principles of the Declaration of Independence, if you believe in Christ, as recorded in His gospel, repeal this law. But if you will not hear the voice of reason, justice and humanity, we appeal unto God, the common Father." On January 6, 1851, fifteen private petitions were offered in the Senate, all save one from East Tennessee to build a railroad, from the free States, praying the interposition of Congress to abolish slavery, for the repeal of the fugitive slave law, for the establishment of a tribunal to settle national disputes, for cheap postage, for special appropriations, etc. Three days later, fifteen other petitions of like character, were presented, all from States north of the Ohio and Potomac. The examples cited are sufficient to show the unrest of society in the free States and the disposition of the people inhabiting those States to rely upon arbitrary authority in Congress, whereas, the people of the South, contented and prosperous in their local environments, appealed rather to their popular conventions and their State Legislatures for redress of the wrongs they might appear to suffer.

The slavery agitation was re-opened in the government by the patriotic first message of Mr. Fillmore. The customary motions came up in the House to refer the various topics discussed by the document to appropriate committees, when Mr. Joshua R. Giddings, from Ohio, rose to speak upon the declaration of the Executive, that the laws embracing the "compromise" should be enforced. Mr. Giddings said :

"Let no man tell me there is no higher law than this fugitive bill. We feel that there is a law of right and of justice, of freedom implanted in the bosom of every intelligent human being that bids him look with scorn upon this libel upon all that is called law. Sir, I was about to make some comparisons but, perhaps, they may be regarded as indelicate. During last summer two distinguished gentlemen (one being Professor Webster) of the same name, occupied much of the public attention. One was said to have committed murder and the other to have procured the passage of this law. One was hanged for his crime, the other, to reward his efforts, was taken into the Executive cabinet. One destroyed the life of an individual, the other contributed



his efforts for the passage of this law, which must consign hundreds, perhaps thousands to premature graves. Sir, I cannot speak for others, but for myself, I would rather meet my final Judge with the guilt of him who has gone to his final account than of him who sits in yonder cabinet! \* \* Let the President speak of the powers vested in him; let him use the bayonet, the sword and cannon; let him make himself another Haman; let him drench our land of freedom in blood; *but he will never make us obey that law.* The first cannon that belches forth on Northern freemen tells the death knell of this Republic! I say what before God and man I feel — the moment your army or navy confronts the freemen of the North, that moment will bring this Republic to its eternal sleep."

Hardly had the debate over the President's message closed when news of mob violence resulting from the execution of the law at Boston reached the Congress. The court room had been invaded by a mob of negroes, lead by whites, where a captured fugitive slave, Crafts, guarded by the federal marshal, was rescued and set at liberty in open day. Immediately, February 17, 1851, Mr. Clay, from Kentucky, offered a resolution in the Senate calling upon the President for information of the rescue. He followed the resolution with a long speech. He said, in the midst of a population of 150,000 the sanctuary of justice had been invaded, the officers of the law at their posts overcome, and the prisoner in their custody borne off to liberty amidst the exultations of triumphs from the multitude. The court room was a part of, or was very near to, the cradle of liberty, Faneuil Hall. The President promptly responded in a proclamation, warning good citizens to observe the law and promising to enforce it by the use of the army and navy, if necessary. The Abolitionists, in Congress, and without, were extremely bitter in their denunciations of the President's course. And thus the patriotic message and proclamation of the President and the dutiful resolution and speech of Mr. Clay restored the debate on the slavery question to Congress, in less than six months after the passage of the "compromise," and three years before Mr. Douglas' famous inflammatory measure, which will, presently, be explained. Mr. Douglas, in addressing the Senate on the President's proclamation, said he had reason to know that great numbers of negroes in various free States had been armed by the Abolitionists with dirks and pistols with instructions to resist the arrests of fugitive slaves, by the federal

officers. He had himself, at imminent risk of his life, risen to quell a mob of two thousand men, at Chicago, infuriated by the passage of the fugitive slave law.

Before the enactment of the "compromise" thirteen or fourteen Southern States had taken steps menacing to the Union. The campaign of 1851, for State officers and Representatives in Congress, opened with the free States in a condition approaching revolution. The question in Alabama was: Shall the "compromise" be trusted or shall the slave States re-organize their federal relations in self-defense? By common consent, the Democrats accepted the custom of the party and Governor Collier was made their candidate for re-election. In a letter to Mr. John I. Burke, of Wilcox county, the Governor took a firm stand for the "compromise." The Secession party, in South Carolina, was yet hopeful and very aggressive. The final action of the State had not been taken. Mr. B. G. Shields, of Marengo, addressed an open letter to the Governor, pledging his support on condition, that the Governor would commit himself to obedience to a presumptive call by the President for the Alabama militia to suppress South Carolina. Governor Collier replied from his home at Tuscaloosa. He considered Mr. Shield's interrogatory impertinent. He would not so far forfeit public respect as to pledge the Executive of Alabama to a *brutum fulmen*; he could find no justification for a threat issuing from the Governor of Alabama to assist in subduing a sister State guilty of no offence. Thereupon, Mr. Shields pronounced Governor Collier not sufficiently loyal to the Union to justify his re-election and, taking the stump for his own candidature for the office, delivered Union speeches. Mr. Yancey remained consistent with his settled purpose, on resigning from Congress, to accept no political office. The Southern Rights Association of Dallas county, speaking for others as well as its own members, in vain, solicited him to stand for Governor. It became evident there would be no contest between the Secessionists and the Unionists, on the direct issue of accepting the "compromise," save in the Second and Fifth Districts, for Representative. The Unionists were neither unconscious or timid. The demand of the hour was one merely of intellectual appreciation — a mere question of judgment upon evidence. The apothegm of Rufus Choate

expressed, practically, the general view of the Union party in Alabama: "The danger in our Union is that a *status quo* (or) a State, in its sovereign capacity shall declare war and take the field. Whenever a *status quo* (or) a State shall come out against the national government, we can't do anything; for that which ordinarily would be treason is, as it were, saved from being so by the flag of the State; certainly, at least, so far as to save the point of honor. Herein lurks the great danger of our system of government." The Secessionists were thus reduced to the task of proving, that "the real danger of our system of government" was in the tendency of existing things to extinguish the States, or to enfeeble their autonomy below the point of self-preservation. Mr. Madison, in urging the acceptance of the Constitution by the States, declared the federal authority would never be powerful enough to menace them, but now President Fillmore had increased the military forces near Charleston, for the evident purpose of forestalling the action of South Carolina.

Well did the Unionists appreciate the deep perturbation of the public mind. Fortunate is the cause of freedom when a healthful consciousness of power remains with the people, to induce them to ponder upon an expediency of present or future action. Mr. Hilliard understood his people thoroughly: he was thoroughly conscientious. Possibly he came into view of some disturbance of his influence which, while in no degree reducing the public confidence in him or the public admiration of him, was, nevertheless, a disturbance in a season of general uncertainty of men and measures. Be the cause what it may, in the acuteness of his sensibilities he resolved to invite his constituents to cast about for the best way. He had voted for Winthrop, when Winthrop's election aroused a profound uneasiness in the minds of a majority of the people of Alabama: he sympathized with Winthrop's second candidature for the Speakership. In this period of sectional agitation, he delivered at Boston a literary address, which received the just encomiums of the leading opponents of Southern Rights there. Mr. Hilliard declined a nomination now for Representative and James Abercrombie accepted the honor in his stead. Abercrombie was a rich planter, of a family noted for its culture — "a massive man in mind and body." He had voted

in the Legislature to make Dixon H. Lewis Senator. Lately he had authorized it to be declared, he "would wage no unnecessary or vindictive war against South Carolina."

Would Mr. Yancey yield to the earnest desire of the Southern Rights Associations and make, in the Second District, a campaign which would secure to Alabama the honor of leadership in the reform politics of the South? He was consulted, and even urged, up to the time fixed for the meeting of the District Convention, but remained immovable in his purpose to decline office. In the last days of April the Convention met at Clayton, and, as by one impulse moved, nominated him for Representative. A letter was prepared on the spot, to which each delegate attached his signature, confessing knowledge of his desire to avoid the honor conferred, yet appealing, in impassioned words, for a reconsideration of his purpose. After three weeks an answer was written. The nomination was declined. His sense of duty forbid acceptance. The letter was long and full.

"If we cannot live (it said) in peace in the Union with the Northern States, it is preferable to go out of it — and when we are beyond the reach of their legislation we may, perhaps, be able to live at peace with them out of the Union. Then, I think, the good sense of the masses will perceive there can be but one issue made, to-wit: secession or submission. If you submit, behave like submissionists. Be quiet and peaceable, subservient to the will of your masters. If you resist at all, resist effectually and manfully, use swords, not pins, cannon and iron balls, not paper pellets. \* \* I do not know that holding to this remedy (secession) we shall have a majority of the State with us, at the next election. But it is better to have an organized, honest minority, based on a true remedy, than to aid in putting in a majority that will give us no remedy, but whose course will entitle us to the appellation of public brawlers. Besides, I do not think that honest men are looking merely for what will carry the State. If they are, I can answer, that remaining true to old party issues the Democratic party can carry the State. What would that avail? The question is, for what purpose would you have a majority? Horace Greeley has already said, that the slaves will be crowded into the rice, cotton and sugar growing territory, and

that, without insurrection or convulsion, the first sun that rises upon the twentieth century will not behold a slave on the whole expanse of the American continent."

The Southern Rights Associations finally nominated Mr. John Cochran, of Eufaula, an able lawyer, now a bold Secessionist, who had been a Cass elector, to contest the election with Mr. Abercrombie. The candidates were fairly matched in oratorical powers. While Cochran and Abercrombie debated in the lower counties, Hilliard and Yancey joined in the fiercest of their conflicts in the region of the plantations. In consenting to meet the engagements on the stump, made for him by his party, Mr. Hilliard, in an open letter, declined joint discussion. He said: "I am not a candidate. I prefer to confer quietly with my old constituents upon the momentous issues involved in the present controversy, without interruption, and in the absence of all that excitement which attends angry debate." When Mr. Hilliard reached Union Springs, Mr. Yancey appeared. The people, in great numbers, from three counties, were anxiously awaiting the battle of the giants. It was agreed that the joint discussion should open there, leaving the closing speech, as was customary under the circumstances, to Mr. Hilliard. The next day, at Enon, twenty-five miles distant, by wagon road, the crowd had grown larger, and here Yancey's friends demanded that he should have the closing speech. This privilege, however, was not granted, and the debate proceeded on the terms of the day before. The Constitution did not give any State the right to secede, argued Mr. Hilliard, but every free people have a natural right to rise and demand redress when the charter of their liberties is invaded. If their just demand be refused, they should overthrow the government. Should a State attempt to resume the powers it had delegated to the Constitution the Constitution would be violated. He hoped the universal woe and desolation which would follow a dissolution of the Union would not be permitted. Should Alabama be called to assist in the reduction of South Carolina he, for one, would remember he had a double duty to perform — a duty to his State and a duty to the Union. Mr. Yancey, while keeping in view his belief in the abstract right of a State to resume the powers it had delegated to the Union, does not seem, at

any time in his career, to have given much attention to that division of his argument. The history of the century was replete, he said, with evidences of the preparations of the free States to consolidate the powers of government and to destroy the social system of the slave States. The hope, if any were so blind as to indulge hope, that the revolution, already set in, would turn back in its course, was not founded upon events which had distinguished its rise or marked its progress. Indeed, the Union orator, rich in fancy, had presented a pathetic picture of the dread approach of revolution, from the South, which he asked the people to believe was unnecessary; the secession orator asked the people to hear the evidence proving that revolution coming from the North was already predominant. Men yet living relate with lingering delight the scenes of this extraordinary debate. Wit rebounded against wit, sarcasm foiled sarcasm; metaphor, illustration, syllogism, on wings of eloquence that never tired, wrought to frenzy the partisans, now of this orator and then of the other.

On the third day the debate was joined at Glenville. The crowd was greater and the scene more animating than ever before. Eufaula stood next on the list of Mr. Hilliard's appointments, and there the fourth day's encounter was expected. All the afternoon, before the promised event, the people were seen gathering in the town, some from Georgia, some from remote neighborhoods near the Florida line. After night the committees met to arrange plans. But, news came from Mr. Hilliard that having resolved to adhere to his original purpose to avoid debate, he had turned his face homeward. Never was audience doomed to greater disappointment.

The next week the elections were held. The Unionists triumphed. But an analysis of the result encouraged the Southern Rights men, justly, as will appear. Shields, a strong man, in his candidature for Governor presented the issue of unconditional Union against the Georgia Platform, represented by Governor Collier. Shields' support did not exceed one-seventh of Collier's vote. In the First District, Bragg, Democrat, holding to the Georgia Platform without the parenthetical qualification, defeated Langdon, unconditional Union Whig; in the Second, Abercrombie succeeded only in establishing the Georgia Platform as against immediate secession;

S. W. Harris, Southern Rights Democrat, was re-elected in the Third; a contest in the Fourth, between Sydenham Moore, Southern Rights Democrat, Stephen F. Hale, Georgia Platform Whig, and William R. Smith, unconditional Unionist, resulted in the election of the last named by a small majority. In the Fifth, the contest was second in animation only to that which prevailed in the Second District. Alexander White, Georgia Platform Whig, and Samuel F. Rice, Secessionist, were the rival candidates. White was elected by a few hundred majority. The most northern Districts, were, as usual, carried by Union Democrats. Yancey received a complimentary vote of 414 for Governor.

Mr. Yancey did not confine his oratorical labors to the debate with Mr. Hilliard in the campaign. Earlier than that occurrence, he spoke at Hayneville and at other county capitals where the courts he attended met. Generally he alone spoke on such occasions. The Hayneville *Chronicle* used the following expressions describing his oratory at that place:

“We have never seen such intense interest. There was none of that light hearted enthusiasm usually to be seen in mere party contests. There was a solemnity, a deep, intense earnestness of feeling pervading the entire assembly, which we have never witnessed before. Of the speech, we know not how to speak. We never heard such an effort from the lips of any man, upon the question or any other. We heard men of mature age, not ultra, and of admitted talents, declare it was unanswerable, and so we believe. We are certain no such speech, for ability and telling effect, was ever before delivered in Lowndes county.”



## **CHAPTER 13.**

# **The Delusive Success.**

1852.

Mr. Yancey retired from general political discussion with the result of the campaign of 1851, consecrating himself to his profession and to the study of science and literature. He waited four or five years on public events, and they arrived, to justify his rejected counsels, even more suddenly and decisively than he had anticipated.

The time had returned for organizing the quadrennial party contest for the Presidency. On June 1, 1852, the Democrats met in National Convention, at Baltimore, and nominated Franklin Pierce, of New Hampshire, for the Presidency and William R. King for the vice-Presidency. On the 16th of the same month the Whigs met, at the same place, and nominated General Scott for the Presidency and William A. Graham, of North Carolina, for the vice-Presidency. Scott was forced on the slave States, as Harrison had been twelve years before. In fifty ballots taken the slave States voted steadily against him. Mr. Seward, supported by Mr. Greeley, held the free States to him. The slave States preferred Fillmore or Webster. Mr. Webster expected the nomination. A day or two before the assembling of the Convention, Webster and Choate submitted to A. H. Stephens, in his apartments at Washington, a draft of resolutions prepared by the Northern friends of Mr. Webster upon which he was willing to stand as a candidate. Stephens proposed an amendment, declaring the



acts of 1850 to be "in substance and in principle" a settlement of the sectional dispute. The amendment was accepted by the persons present. Seward's influence, however, was potential in the platform as well as in the choice of the nominee. The force of the agreement in Stephens' apartments was broken by the failure of the platform to acknowledge the legislation of 1850 as a *compromise*, and, therefore, binding. It was denominated a "series of acts," the phrase constructively implying ordinary legislation, and it was farther explained, in the same paragraph, that these acts should be enforced "until time and experience shall demonstrate the necessity of further legislation."

There were two other Conventions and two other candidates, remarkable inasmuch as they were the nucleuses of future controlling parties. As early as March the Southern Rights Association of Alabama met in Convention at Montgomery; a hundred persons, representing half dozen of the rich counties, to consider the nomination of a candidate for the Presidency. Resolutions were adopted, predicated on the declaration that, "our civilization is worth preserving and is in danger," one of which announced:

"That, believing both the old national parties are sensitive to the majority sentiment and, therefore, in effect, antagonistic to our sectional interests, we will preserve our separate organization and coalesce with neither, but shall leave ourselves free to oppose both or co-operate with either as, from time to time, their respective doctrines may coincide more or less with our own."

A resolution to nominate a candidate was voted down, but, in September, the Convention was recalled to consider the neglect of General Pierce to reply to the letter of inquiry of its chairman touching his views, in detail, on the sectional question; and to consider the reply received from General Scott, of a non-committal character. At the September meeting, George M. Troup, noted as a defender of the rights of Georgia in her conflict with the Administration of John Quincy Adams, and John A. Quitman, late a Secession Governor, of Mississippi, were nominated for President and vice-President.

On August 11, the Abolitionists, in Convention, at Pittsburgh, nominated John P. Hale, of New Hampshire, and George W. Julian, of Indiana, for President and vice-President. Resolutions were adopted, predicated on the declaration

that there should be "no more slave States, no more slave territory, no nationalized slavery, no national legislation for the extradition of slaves," one of which announced:

"That the Free Democratic party is not organized to aid either the Whig or the Democratic wing of the great slave, compromise party of the Nation, but to defeat them both; and that, repudiating and renouncing both as hopelessly corrupt and utterly unworthy of confidence, the purpose of the Free Democracy is to take possession of the federal government and administer it for the better protection of the rights and interests of the whole people."

The student of the temper of revolutions will not fail to find in the first resolution cited the motive of self-defense, as he finds in the other the resolve of conquest.

It is significant, in evidence of the fickleness of the public mind, that while the National Democratic platform endorsed the "compromise," the first provision of which, relating to California, was a flagrant abuse of State autonomy, it reaffirmed the Kentucky and Virginia resolutions of 1798-99; and while the Whigs shrank from an endorsement of the "compromise," because one of its provisions demanded the execution of an express clause of the federal Constitution, they declared "the Union should be revered and watched over as the palladium of our liberty." It will appear that the result of the election, ostensibly for the Kentucky and Virginia resolutions and the "compromise," by a great majority, was destined to be speedily lost in a majority against the "compromise."

Mr. Yancey did not approve of the nomination of candidates for President and vice-President by the Southern Rights Associations of Alabama. He gave no attention to the campaign, and was in attendance on the Circuit Court, in Autauga county, when he received a letter from Mr. G. W. Gayle, informing him, in an excited style, that the Southern Rights party had become alarmed at his silence, and as he had been "its soul and spirit for several years past" besought him to speak out. It had been rumored, even, that he would vote for Pierce! Turning to his desk, while the court proceeded with business, he wrote a hasty reply. "If my vote were at all necessary (he said) to give the vote of this State and to elect General Pierce, in order to prevent the election of General

Scott, I should feel it to be my duty to vote for General Pierce. As matters now stand, however, I conceive no such necessity exists, and I shall cheerfully give my vote to that ticket which, in every respect, represents my views, namely, Troup and Quitman. \* \* Voting for that ticket, then, I conceive to be merely an effort to organize and keep together the Southern Rights party, with a view to ulterior usefulness. If my views can have any influence with those who take an active part in the canvass, my advice would be, to avoid all efforts to irritate the feelings and excite the opposition of two great national parties in the South. *These are the ranks from which we expect to draw recruits*, hereafter, to the standard of the South, when occasion shall arise for rearing it."

Mr. Yancey in defeat, therefore, pursued a policy ; and in good temper bided his time.

The result of the campaign was the choice of Pierce and King, by an overwhelming majority. The free States alone cast electoral votes for him enough to elect. Scott and Graham received only the electoral votes of four States — Massachusetts and Vermont, Kentucky and Tennessee. The popular vote for Van Buren, the Abolition candidate of four years before, had been 291,363, but for Hale it fell to 156,149. Mr. Yancey was absent from home on election day, and did not vote.

It is immaterial what national significance should be attached to the election of the "compromise" candidates, so far as Mr. Yancey's political history may be concerned. He had nothing, in any manner, to do with the speedy repudiation of the "compromise," which followed the election, by the people of the North. The speculations of history will reach the conclusion, that the Abolitionists held the balance of power in the free States and that the "compromise" was of the leanness of Barebones, to appease their zeal.

It had become evident that in the growth of the Union some of its practical principles, as understood by its founders, had been reversed. Mr. Madison, in the early time, believed the political honors, for example, which the States could confer would be more sought after than those the Union would have to offer. Therefore, it would not be possible to destroy the States by consolidating them. And, moreover, the United

States would never be able to raise and support an army sufficient to cope with the State militia. Mr. Yancey believed the force of this early reasoning had paled before the progress of the Abolition party.

The President, observing the pledges of his party to peace, organized his cabinet and dispensed the Executive patronage on the general principle of oblivion of the past political divisions. W. L. Marcy, of New York, was put at the head of the cabinet, whereas, the State Rights men preferred Daniel S. Dickinson, of that State. Jefferson Davis, Secessionist, was made Secretary of War, but Caleb Cushing, of Massachusetts, now a Democrat, aforetime a Whig, was made Attorney-General. The federal offices due to New York, were bestowed nearly evenly between the rebelling Van Buren men, of 1848, and the Cass men.

A source of discord, least expected, sprung up — a yellow back novel. Concurrent opinion in both sections has long assigned to this work of fiction — “Uncle Tom’s Cabin” — a decisive influence in turning the tide of events against the “compromise,” and giving to radicalism a focus of irresistible potency. No narrative of the times would be justified in omitting some account of the origin and circulation of the wonderful book. It appeared in first form, as a serial, in a small semi-religious newspaper, of Washington City, published to promote the work of the memorialists for the abolition of slavery and to encourage the general disturbers of the slavery question in Congress. The fiction was conceived in deliberation and prepared with skill as a campaign document, to excite feeling in the free States against the execution of the fugitive slave provision of the “compromise.” Its author, Mrs. Harriett Beecher Stowe, was one of the most aggressive of the female laborers for the New England Anti-Slavery Society, and was the wife of one of the most active political clergymen of that section, devoted to the designs of the Society. As memorialists of Congress, few were so diligent as this man and his wife. In response, therefore, to the call of the Society for literature to propagate its scheme, the tale, so modest in its birth, came into its marvelous power. By the summer of 1853, while the second of World Fairs was open at New York, the chapters were bound for cheap sale

and the volume entered upon a career unexampled in partisan literature. "Thanks for the fugitive slave act," wrote the poet Whittier in a letter of acknowledgment to the author of her fearful work. Under the guise of an attempt to educate public opinion against the fugitive slave provision of the "compromise," the author discussed the practices of slavery and their results on the master class. Its assumptions of facts were exaggerations, not more applicable to slavery, as it was, than to the relations of free wage labor to capital, and the abuses of those relations, the world over; its main conclusions were irreconcilable with its premises of the degradation of slaves in the South, inasmuch as the conclusions proved, that, under the plantation system, the African had advanced in the South to social enjoyments which Africans no where else were blessed with. But, learned men read and wept aloud, as if in a trance, over the weird commingling of sensational eloquence and fateful humanitarianism. The mechanic took the book of pathetic rhetoric and morbid statecraft in his pocket to read on his way and as he paused for his noon day rest. Kings and nobles devoured its pages. A child's edition was printed. The languages of the world were exhausted to spread its teachings. Translations were made in German, Polish, Italian, Bohemian, Dutch, Flemish, Danish, Hungarian, French, Spanish, Welsh, Russian, Armenian, and in different dialects for the use of different classes. Everywhere, and in every language, whence came immigrants to America the fiction was distributed, to prepare the fresh influx of population in lessons of hatred for the South and the Southern people.

## **CHAPTER 14.**

# **The Nebraska-Kansas Bill.**

1854.

So complete was the reconciliation, in Alabama, between parties that the Secessionist, John Anthony Winston, was chosen Governor, in 1853, without appreciable opposition.

Clay, first and Webster soon after, followed Calhoun to the grave.

There was not a Secessionist in the Senate Chamber, from the South.

A bill was reported in the first session by the Thirty-Third Congress, in February, 1853, to organize the Territory of Nebraska, an area as great as all the States North of the Ohio and Potomac, where only three white men were known to reside, but where some fifty thousand Indians yet held lands, the titles to which rested in them. The bill was the initial of a Territorial Policy, supposed to be demanded by the changed American conditions—the organization of civil government over wild regions, to superinduce their settlement. In the case of Nebraska, it was found that the land lay across the overland route to California and it was argued that settlements planted there would promote the safety of immigrants to the Pacific, on their journey. The bill passed the House by more than two-thirds majority and, upon the announcement of the vote, Mr. Giddings “thanked God for one piece of legislation free from the slavery agitation.” The bill reached the Senate, late in the short session, and was referred to the

Committee on Territories, of which Mr. Douglas was chairman. It was reported back and taken up for discussion. Those who objected to it questioned the right or duty of Congress to interfere with the Indians and the policy of creating a civil government in advance of white population. Senator Atchison, from Missouri, spoke at some length and his remarks covered a wide ground. A paragraph from his speech will indicate the surprise the country was destined to receive in the early subsequent course of the Committee on Territories reporting, with amendment of its own, the same bill.

Mr. Atchison said :

“I had two objections to the bill. One was, that the Indian title had not been extinguished in that Territory, or, at least a very small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the slavery restriction. It was my opinion, and I am not now very clear on that point, that the law of Congress, excluding slavery from the Louisiana Territory, North of 36° 30', would be enforced in that Territory, unless it was especially rescinded, and whether that law was in accordance with the Constitution or not, it would do its work, and that work would be to exclude slave holders from going into that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization and settlement of that Territory, unless my constituents and the constituents of the whole South — of the slave States of this Union — could go into it upon the same footing and with equal rights and equal privileges, carrying that species of property with them, as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

“I have always been of opinion, that the first great error committed in the political history of this country was, the Ordinance of 1787. The next error was the Missouri Compromise, but they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do so. It is evident the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the organization of this Territory now, as next year, or five or ten years hence.”

The session expired, by law, before the Senate reached a vote on the pending measure. Mr. Douglas had reported a bill to organize a Territory, without an expressed or implied provision repealing the Missouri “compromise” of 1820. It is singularly interesting that the expiration of the legal Senate, in 1846, alone prevented Senator Cass from casting his vote for the Wilmot Proviso, and cutting off thus, by his own act,

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all probabilities of his nomination for the Presidency ; and that the same occurrence, in 1853, doubtless changed the bright prospects of Mr. Douglas, for the nomination to the same office two years later, to discomfiture.

When Congress re-convened, December, 1853, Mr. Dodge, from Iowa, brought up in the Senate, a bill to organize the Territory of Nebraska, which was found to be identical with the House bill for the same purpose, of the preceding session. Mr. Dodge's bill was duly referred to the Committee on Territories ; and January, 4, 1854, the Committee reported it back. The report referred to the difference of opinion among the people, touching the constitutionality of the slavery restriction of 1820, but proceeded to declare, "your Committee do not feel themselves called upon to enter into discussion of the controverted question. It involves the same grave issues which produced the agitation, the sectional strife and the fearful struggle of 1850." Leaving undisturbed the restriction of 1820, therefore, the bill of the Committee reaffirmed the principle incorporated in the Utah and New Mexico bills, a part of the last "compromise," allowing the people to determine the question of slavery for themselves, "subject only to the Constitution of the United States." It was apparent that the restriction of 1820, forbidding slavery "forever" in Nebraska, was irreconcilable with the principle of the Utah and New Mexico bills, which allowed the people of the Territory, when they were ready to form a State, to reject or tolerate the institution at will. January 12, Mr. Sumner moved to amend the bill by reasserting the Missouri "compromise," and on 16 of the same month, Mr. Dixon, from Kentucky, moved to amend the bill by a repeal of the Missouri "compromise." The amendments proposed were referred to the committee, which took the bill again for consideration. January 23, the bill was returned the second time to the Senate, enlarged from twenty-one to forty sections and, in the alterations, made more acceptable to the Southern Senators. The amendment of Mr. Dixon, was practically incorporated in the sections, declaring the parallel  $36^{\circ} 30'$  as a geographical division of free from slave territory, "was superseded by the principles of the legislation of 1850, commonly called the compromise measures, and is, therefore, declared void and inoperative." Another



important enlargement was, the cutting off of the lower part of Nebraska to form the Territory of Kansas, and the significance of the measure consisted in the confession that while the laws of nature would undoubtedly forbid the introduction of slavery in the upper part, Kansas, as formed, was less subject to those prohibitory natural laws, and the people should be permitted to consult their own interests. It was supposed that a balance of the free and slave States in the Senate would be so provided for the better security of the Union.

Mr. Douglas advanced boldly to the management of the bill. He had been greatly alarmed by the evident failure of the "compromise" to pacify the Abolitionists. He would now unite the West with the South to defeat them.

Immediately, as with the suddenness of the wind, the North, regardless of old party lines, was swept by a tempest of passion. Messrs. Chase, Sumner, Seward, and the other Abolition Senators, joined by the Abolitionists of the House, issued "An Independent Democratic Appeal," in pamphlet form, devoted to the most acrimonious abuse of Mr. Douglas: in the East and the West, town meetings burned him in effigy, and transmitted to him their vindictive resolutions; the clergy of Chicago met in council, denounced him, and sent forward their letter of denunciation to him, which he laid before the Senate. Mr. Chase introduced in the Senate a resolution declaring all who voted for the bill to be "traitors to their country, to humanity, and to God." The New York *Tribune* published Horace Greeley's appeal for the defeat of the bill. "Better that confusion should ensue (he said) — better that discord should reign in the national councils — better that Congress should break up in wild disorder — nay, better that the capitol itself should blaze by the torch of the incendiary, or fall and bury all its inmates beneath its crumbling ruins — than that this perfidy and wrong should be perpetrated." But all other demonstrations against the bill were mild in comparison with the outbreak in New England. Mrs. Harriet Beecher Stowe headed a woman's petition to Congress; more than three-fourths of the entire Protestant clergy of the six New England States, the signers numbering more than three thousand, sent forward their petitions "in the name of

Almighty God, and in His presence," presented by Mr. Everett, Senator from Massachusetts. Besides, Mr. Sumner presented one hundred and twenty-five separate remonstrances from clergymen of different States in New England, as well as others from New York and the West. Mr. Mason objected to their reception because "these men dare to lay aside the character of American citizens, and come here profaning the name of the Almighty, for the purpose of political alliances; they are unworthy of their associates in the church. Sir, (he continued) it is the first time in the history of this country that a church of any denomination has asserted a right to be heard, as a church, upon the floors of legislation; and if the Senator represents that body correctly, they have profaned their office, and I predict now a total separation between the church North and the church South."

The debate continued, week following week, with the utmost acrimony, Mr. Douglas leading for the bill, and proving, daily, his right to the sobriquet, "little giant," bestowed on him to denote the power of his faculties and the diminutiveness of his stature. He reminded the Senate, that when the territorial question was revived, in the new acquisition, he had proposed to extend the Missouri compromise to the Pacific, but his motion had been denied; that after defeat he had for six years espoused the doctrine, which the bill then under consideration demanded, of popular sovereignty; and throughout all the debates and motions of the long session of 1850, he had consistently maintained it. Particularly, when Mr. Clay's Committee of Thirteen brought in the omnibus bill, with a provision forbidding the Legislature of a Territory to act upon slavery, it was on his persistent opposition that the Senate rejected the provision, leaving, instead, the feature of the "compromise" expressed in the Utah and New Mexico bills — popular sovereignty. The President had been chosen, and the Congress then in session had been chosen on the universal acceptance, save by the Abolitionists, of the "compromise" as a final disposition of the slavery question, but how could it be said, that so important a feature of that measure, as the principle laid down in the Utah and New Mexico bills, should be eliminated from the bill before the Senate, while California remained a State, or the Texas boundary remained

intact, or the fugitive slave law remained in force, or the slavery trade remained forbidden in the District of Columbia? Turning to the other side of the chamber, he turned upon the Abolitionists a flood of invective:

“ You have succeeded, (he said) in directing upon the heads of others, a torrent of insult and calumny, from which even you shrink with horror, when the fact is exposed, that you have become the conduits for conveying it into this hall. In your State, sir, (Mr. Chase’s) I am burnt in effigy in your Abolition towns. \* \* I must be permitted to tell the Senator from Ohio, that I did not obtain my seat in this body either by a corrupt bargain or a dishonorable coalition! I must be permitted to remind the Senator from Massachusetts, (Mr. Sumner) that I did not enter into any combinations, or arrangements, by which my character, my principles and my honor were set at public auction or private sale, in order to procure a seat in the Senate of the United States! \* \* Everybody knows that he, (Mr. Sumner) came here by a coalition or combination between political parties holding opposite and hostile opinions. But it is not my purpose to go into the morality of the matters involved in his election. The public know the history of that notorious coalition, and have formed judgment upon it. It will not do for the Senator to say that he was not a party to it, for he thereby betrays a consciousness of the immorality of the transaction, without acquitting himself of the responsibilities which justly attach to him. As well might the receiver of stolen goods deny any responsibility for the larceny, while luxuriating in the proceeds of the crime, as the Senator to avoid the consequences resulting from the mode of his election, while he clings to the office. I must be permitted to remind him of what he certainly can never forget, that when he arrived here to take his seat, for the first time, so firmly were Senators convinced that he had been elected by dishonorable and corrupt means, there were very few, who, for a long time, could deem it consistent with personal honor to hold private intercourse with him. So general was that impression, that, for a long time, he was avoided and shunned, as a person unworthy of the association of gentlemen. Gradually these injurious impressions were worn away by his bland manners and amiable deportment.”

Senator Weller, from California, long a member of the House, from Ohio, joined Mr. Douglas in denouncing the Abolition Senators, in “the violation of all the rules of courtesy and propriety,” and introduced evidence of the crooked paths which led to their seats on the floor.

The effect of Mr. Douglas’ sarcasm was both evident and satisfactory to his friends from the South and from the North, on the floor. The supporters of the bill from the South had

become painfully conscious, that the Democratic Senators from the North were following Mr. Douglas' lead with the gravest apprehensions and with a measure of reluctance which might develop at any moment into revolt. They were encouraged to see their leader attack the Abolitionists with a vehemence which made the latter's cause obnoxious. It seemed impossible that a Northern Democratic Senator could espouse a cause so broad, while the Southern Senators were overjoyed in their Northern champion. But, Mr. Bell, from Tennessee, had resolved to vote against the bill. He was attacked at home, attacked in the House by one of his colleagues, put up for the purpose, and attacked by every Southern Whig in the Senate. In reply to Toombs, Mr. Bell said: "If the honorable Senator means to say that I have become an ally of the Abolitionists in sympathy, feeling or any concerted arrangement, then I have to state that he said what he knew to be false. If it was his object in making his statement to let it go forth to the country, for effect, that he had boldly said to my face, in the Senate, that I had become an ally of the Abolitionists, then I have to say to him that it was an *ad captandum* argument, worthy only of the lowest and shallowest demagogue."

Mr. Toombs replied to Mr. Bell the next day. The repartee of the Georgia and Tennessee Senators "caused great excitement on the floor." Mr. Toombs found it necessary to say to Mr. Bell, that the introduction of personalities in the Senate was wholly unnecessary, "as we both live here." The presiding officer, after vain efforts to restore order, called on the Sergeant-at-Arms to do his duty. Mr. Bell apologized. The subject of dispute was, whether Mr. Bell, in a caucus of Southern Whigs, over which Toombs presided, had concurred in a resolution passed unanimously to declare to the world that the *National Intelligencer*, of Washington, hitherto the confessed organ of the Whig party of the United States, in taking sides with the Abolitionists against the repeal of the Missouri "compromise" of 1820, no longer spoke for the Southern Whigs. Mr. Toombs traced the vacillations of Mr. Bell, from a vote for the repeal of the "compromise," in the early stages of the bill to final hostility to the measure, to "clamors from the North, which, having no terrors for the

gallant men of the North who support this act of justice, have turned aside the Senator from Tennessee, who seems to quail before them."

Mr. Sumner was little turned from his course by the attack of Mr. Douglas. It was a well defined sectional strife and soon or late Northern men, however divided at the outset, must meet Southern men, but he used Mr. Douglas' provocation with consummate adroitness to assail Southern Senators and Southern institutions :

"I am unwilling, at this time to be betrayed into any thing (he said) that shall seem like a defense of the clergy. They need no such things as my hands. There are men in this Senate justly eminent in eloquence, learning and ability; but there is no man here competent except in his own conceit, to sit in judgment on the clergy of New England. Honorable Senators who have been so swift with criticism and sarcasm, might profit by their example. Perhaps the Senator from South Carolina (Mr. Butler) who is not insensible to scholarship, might learn from them something of its graces. Perhaps the Senator from Virginia (Mr. Mason), who finds no sanction under the Constitution for any remonstrance from clergymen, might learn from them something of the privileges of an American citizen. And perhaps the Senator from Illinois, who precipitated this odious measure upon the country, might learn from them something of political wisdom. Sir, from the first settlement of these shores, from those early days of struggle and privations — through the trials of the Revolution — the clergy have been associated, not only with the piety and the learning, but with the liberties of the country. For a long time New England was governed by their prayers more than by any acts of the Legislature; and at a later day, their voices aided even the Declaration of Independence. The clergy of our time may speak, then, not only from their own virtues but from the echoes which yet live in the pulpits of their fathers. \* \* Sir, it is the best bill on which Congress ever acted; for it prepares the way for that 'All hail hereafter,' when slavery must disappear. It annuls all past compromises with slavery and makes all future compromises impossible. That it puts freedom and slavery face to face, and bids them grapple, who can doubt the result? It opens wide the door of the future when, at last, there will really be a North and the slave power will be broken; when this wretched despotism will cease to dominate over our government, no longer impressing itself upon all that it does, at home and abroad; when the National Government shall be divorced in every way from slavery, and, according to the true intention of our fathers, freedom shall be established by Congress everywhere, at least beyond the local limits of the States. Slavery will then be driven from its usurped foot hold here in the District of Columbia; in the National Territories and elsewhere beneath the National flag; the fugitive slave bill, as odious as it is unconstitutional, will become a dead letter; and

*the domestic slave trade, so far as it can be reached, but especially on the high seas, will be blasted by Congressional prohibitions. Everywhere within the sphere of Congress, the great Northern Hammer will descend to smite the wrong; and the irresistible cry will break forth: 'No more slave States.' "*

The bill passed the Senate, amidst deep prevailing solemnity, after midnight, March 3, 1854. The Southern Senators, Whigs and Democrats, voted yea on the roll call—all save John Bell, from Tennessee and Sam Houston, from Texas. Twelve Northern Senators voted nay, but it was ascertained that, if they represented the will of the people in their own States, they spoke for more than half the people of the free States, so populous were their constituencies.

In the House the debate was prolonged for months with great bitterness. Few were the Representatives who failed to deliver elaborate Constitutional arguments and historical discourses on the bill.

Most ardent were the encomiums bestowed on the "little giant" throughout the South; and great indeed, was the sacrifice he had made at the North to win his Southern plaudits. Day after day, petitions upon petitions continued to flow into both Houses of Congress, all from the North, to repeal the fugitive slave law. Mr. Sumner's zeal took on renewed impulse, his eloquence became more embittered toward the Southern Senators. On June 26, he presented the petition of twenty-nine hundred citizens, of Massachusetts only.

The substitution of the principle of the "compromise" of 1850, that the people of a Territory should determine the question of slavery, and that Congress should admit States with or without slavery, as their Constitutions prescribed, for the arbitrary power of Congress over the institution, established the hopes of many men of the South in lines of enterprise far removed from the Territories of the West. Soon after the acquisition of Louisiana was made safe, Mr. Jefferson wrote: "I candidly confess, that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this Island would give us over the Gulf of Mexico, and the countries and isthmus bordering it, would fill up the measure of our political well being." To the southward many young

men of the slave States turned to contemplate enterprise and adventure. Slavery existed there and seemed impregnable, could it receive the support of the slave States. Texas had been by their fathers and brothers, restored to the Union. Recently they had tried their endurance on the plains of Mexico with great success. The free States must, in course of nature, possess the territory then belonging to the Union. The newly proclaimed doctrine of the Nebraska-Kansas bill would equalize the physical forces of the Union, and insure its integrity, if applied to the southward, where their ambition turned. In 1850, a Spaniard, Garcia, or Rey, as he was differently known, was accused by the Spanish government of Cuba of treasonable utterances. He was seized in New Orleans and hurried away to that Island. The circumstances of the seizure incensed the young men of New Orleans, and excited no little sympathy in other parts of the Gulf States. Attention in the same localities was arrested by a reported willingness of the Creole population of Cuba to revolt against unendurable oppressions. The Lopez expedition was organized in the Southern States for Cuban relief, and the invasion of the Island undertaken, but in an exceedingly inadequate conduct. Crittenden and his men, after landing, found the Creoles not ripe for revolt, threw away their own arms, took open boats to return to the United States, were run down by Spanish vessels on the high seas, captured, returned in chains to the Cuban authorities, and cruelly executed. Meantime, the President, Mr. Fillmore, sore beset by the Abolitionists, issued a very harsh proclamation, denouncing citizens of the United States who should repeat in Cuba what LaFayette, DeKalb and others had done in the Union, and what thousands of citizens of the several States had done in Texas — assist the oppressed. The gallant conduct of Crittenden at the final scene, who, when commanded to kneel to receive the fatal fire aimed at his heart, folded his arms and exclaimed in refusal: "I kneel to my God alone," added to the popular feeling enlisted in his expedition. The belief grew, that he and his followers had been sacrificed to the anxiety of the President to check, with vigor, the expansion of the Union to the southward. Certainly, Spanish insolence knew little bounds. Ship after ship of the American merchant marine was run down in the Southern



latitudes, searched, and even fired into. The Spanish governor issued an order forbidding Cubans to educate their children in the United States. The government under Mr. Fillmore pursued the filibusters. At Round Island a considerable number of American citizens, suspected of a purpose to invade Cuba, were captured by a revenue cutter, and landed on the Mississippi coast, penniless and, in distress, to shift for themselves. The federal court took cognizance of suspicions connecting the Governor of Mississippi, John A. Quitman, with the filibustering. He resigned, went before that tribunal, at New Orleans, and demanded a trial, which was not granted. At the very time the Nebraska-Kansas bill was pending in the Senate it was reported, at Washington, and even mentioned in the proceedings of the House, that Mr. Gadsden had gone to Mexico with the authority of the Democratic Administration "to buy a broadside of Mexico sufficient for five or six States," including the Isthmus of Tehauntepec for a railroad line, for \$50,000,000, and that Mr. Soule had authority to pledge to Spain \$250,000,000 for the purchase of Cuba.

Desperate were the conditions which had impelled Mr. Douglas to attempt to make, what he sincerely believed to be, a last effort to create a national party devoted to the Union of States, and grievous was his disappointment at the North and at the South. He had hoped to please the alien settlers and those citizens who had the right to settle in the Territories, by securing to them the right of self-government; to please the whole Northern people with a political device which would, without friction, bring all new States, save, possibly, Kansas, to the door of Congress, with free institutions; and to please the Southern people with a possible acquisition of Kansas to the tier of slave States, and the repeal of the obnoxious enactment of a geographical bar, wherever the power of the Union might extend, to their Constitutional rights. He was repulsed at the North by the disastrous defeat of his party in every State, at the next elections. Every free State elected a State government in opposition to the principles of the Nebraska-Kansas bill. Those who had voted for Pierce and the same principles, in the "compromise," were no exceptions to the general condemnation of Douglas and his measure. Ohio, which had a Democratic majority in the House of Representatives



when the bill passed, returned not one Democrat to that body in the next Congress. He was disappointed most in the divided construction which met the main sections of his bill in the cotton States.

The inquiry of politics was, did the Nebraska-Kansas bill provide for the relinquishment of the sovereignty of Congress over the Territory of Kansas? Did the bill establish popular or squatter sovereignty, as Mr. Douglas propounded the doctrine? A government of three departments was created by the bill, but one of its provisions expressly declared that Congress reserved the right to extinguish the Territorial bounds, and, therefore, to destroy the civil organization at discretion. Nor was this reservation of power, and the exercise of it, new. The government of the Territory of Orleans, set up by Congress, had been overthrown by Congress, and the entire civil authority vested in three individuals of its own selection. The government of Kansas Territory was prescribed by the bill, but the Governor was appointed by the President, subject to his removal; the acts of the Legislature were liable to be vetoed by the President's appointee; the Judiciary was appointed by the President and confirmed by the Senate; all acts of the Governor and Legislature were required to be submitted to the President and to the Congress. The government provided by the bill was, therefore, temporary only. The people were endowed with no fixed tenure of civil rights by it.

The bill, while professing to apply to Kansas the principle of the Utah and New Mexico bills, did in fact reverse, in an important particular, the principle of those bills. The Mexican laws, *forbidding* slavery in Utah and New Mexico, were left unopposed by the "Compromise" measure, but the Spanish laws, *protecting* slavery in Kansas, were, by name, repealed in the Nebraska-Kansas act. It was evident that foreign laws, unfriendly to slavery, were preserved and foreign laws, friendly to slavery, were revoked by that present legislation assuming to establish the principle of non-intervention by Congress in the federal acquisition of territory. The subject of slavery was included in the powers granted to both the Judiciary and the Legislature of the Territory. The Courts were authorized to take jurisdiction in certain bounds

and over certain matters, *provided* that their authority should "not apply to or affect" the fugitive slave law of 1793, as amended by the act of 1850. The Legislature was warned that it was "*the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof, perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.*"

It had been the habit of Southern statesmen for many years to declare the enactment of the line 36° 30' unconstitutional. Mr. Yancey took this position in one of his speeches in Congress. The repeal of the enactment was a double promise of peace in their sight, because of the restoration of the Constitution and because, in restoring it to the respect of the people, there was reason to hope the impulse which the unauthorized act of Congress had given to radical and morbid legislation, on the negro race, by the free States, suddenly reversing their long established customs and traditions, would pass away. The Nebraska-Kansas bill, however, contained provisions which were not equally acceptable to those by whose votes it passed either branch of Congress. Mr. Chase, its leading opponent, moved to amend the provision conferring legislative power over slavery, by limiting its exercise to the exclusion of the institution, confessing he would not accept an amendment limiting the legislative power to the toleration of the institution. His motion was voted down. The Southern Whigs of the Senate were disposed to favor Mr. Douglas' view, that the bill had delegated to the Territorial government all the power Congress itself possessed over the particular subject of slavery, but the Southern Democrats of the Senate did not assent to that conclusion; and in this episode in the conflict of the sections, is a single intimation of the tendency of the Whigs of the South to draw near to the Democrats of the North as the Democrats of the North drew away from the Democrats of the South. Senator Badger, Whig from North Carolina, said: "I think with the honorable Senator from Indiana (Mr. Petit) that Congress has plenary power of government to legislate over these Territories. But with regard to that question we have agreed — some of us, because we thought it the only right mode and some because we think

it is a right mode and, under existing circumstances, a preferable mode—to confer this power (over slavery) upon the people of the Territories.” Senator Butler, Democrat, from South Carolina, qualified his adherence to Mr. Douglas’ view. He spoke at length. He would not surrender the power of Congress, the trustee of the owner of the common estate, to individuals, few or many, who might happen to come first upon it. Suppose the filibuster, Captain Walker, should arrive first with a band of foreigners and, under the provisions of the bill, set up a Legislature. Would Senators be prepared to see them govern themselves? It was a principle of the common-law, that he who enters upon the title of another cannot dispute the landlord’s title. He would not set up a Platonic Republic on the common domain, with associations capable of excluding the institutions of the government of the United States. The people who go to the Territories must be content to go as tenants of the United States. Spontaneous sovereignty in the settlers of the Territories could not be allowed in the present condition of affairs, as it had been assumed by the discoverers of the Western Hemisphere. He was willing to take the bill as it passed from the hands of the chairman of the committee, Mr. Douglas, but only on the rule of give and take, bear and forbear. He did not approve the bill, in all its provisions. “The decision of this question (he said), whether made one way or the other, is not likely to make a practical difference as to the relative strength of the different portions of the Confederacy; for let it be decided either way, the North retains her ascendancy. The South wants her heart lightened, not her power increased. \* \* If, however, they mean to go on with this agitation, I give notice, as far as I can speak for the South, that if they keep it up they must do so at the peril of this Union.”

In the stormiest moments of the debate, the Abolitionists lost no opportunity to declare their devotion to the Union and their confidence in the power of the Union to make sure the political ends for which they contended. Up to this time, leaders of the party had spoken doubtfully and, in later years, some of the working members of the party continued to speak doubtfully of the value of the Union to their cause. But in the Senate, the men who restrained the temper of the rank and

file and regulated the energies of the press -- Messrs. Seward, Wade, Chase, Sumner -- tolerated no suspicion of their allegiance to the majority of the people of the free States, represented by them in the government of the Union. With consummate tact, from this time forward, they threw upon the defenders of the Constitution the opprobrium of "disloyalty" to the Union.

## **CHAPTER 15.**

# Civil War Begun.

1855.

To seize Kansas became, immediately, the absorbing political objective of the North and of the South. The facilities of enterprise were incomparably with the former. A feature of the Territorial organization created by Congress was the right of suffrage conferred upon aliens. The immigrant of to-day might vote to-morrow, for members of the Legislature, qualified only by an oath declaring his intention to become a citizen. The Legislature of Massachusetts chartered two Emigrant Aid Societies to colonize Kansas, with a combined capital of \$10,000,000. The Abolition members of Congress, now a strong band, formed a secret auxiliary Kansas Aid Society. Eli Thayer, of Massachusetts, boasted that the independent company of which he was manager, in the time of the need of his party, sent sixteen thousand men to the ground of contention. Men of the North and men of the South hurried to defend sectional doctrines on Kansas soil. Both sides went armed. Rev. Henry Ward Beecher recommended the free States emigrant to trust to Sharpe's rifle; the Missouri contingent soon acquired the sobriquet, "border ruffians," bestowed by their New England competitors, to denote the vigor of their rivalry. Jefferson Buford, a lawyer of Eufaula, Alabama, formed a company of five hundred young men, his friends and neighbors, for the most part, to settle in Kansas for the advancement of the Southern cause there. Arrived at

Montgomery, *en route*, they were received by a public welcome. Religious services were held in one of the principal churches, each emigrant was furnished with a Bible, or the means to buy one, Yancey was made treasurer of a fund for their benefit, Hilliard and Baker delivered eloquent addresses of encouragement to their expedition. The Anti-Slavery Society continued to take the most determined steps to resist the fugitive slave law, and to entice fugitives from the plantations. Bloody riots occurred at Boston, at Syracuse, New York, and at numerous places, resisting the federal officers. Mr. Seward spoke in the West, and Mr. Sumner in the East, urging the people to resist the law. The pulpit and rostrum in the free States added their share to the universal agitation. Mr. Gorsuch, of Maryland, took out legal papers to arrest three of his slaves who had fled to Pennsylvania. He proceeded to Lancaster, that State, with the federal officers who were to execute them. Arrived there, he stood on the open street, in daylight, urging the fugitives, who were concealed in the upper story of a building and protected by whites and blacks, to come forth and return with him without arrest, and with his pledge of entire forgiveness. While making his appeal, he was shot dead by a volley from the infuriated crowd, which held the fugitives, and his person was robbed of his watch and valuables, the federal officers being impotent. Governor Johnson, a pronounced Abolitionist, with reluctance, displayed in unnecessary delay, ordered the arrest of the murderers, who, sustained by public sentiment, had made no attempt to escape or to deny their act. The trial of the case before the federal court continued ten days. Five counsel appeared on either side, among those for the defense being Thaddeus Stevens. The charge of the judge to the jury was not favorable to the government's case. A verdict of "not guilty" was promptly rendered, the prisoners were discharged only to receive an ovation from the citizens, of all colors, of the town. They were conducted, along with the jury, to a banquet, given to celebrate the result of the trial, and which had been prepared before the case had been submitted to the jury. Dr. Charles Lucas, a planter of Montgomery County, Alabama, lost a domestic servant, a young man. After many months the master received a letter from the fugitive, notifying him of his

residence at Oberlin, Ohio, accompanied by a request for funds to pay the expense of his return home. The amount of money desired by the applicant was sent forward to his address. Receipt was acknowledged, with a solicitation for an additional sum. The master resolved to go in person to visit the fugitive, and to offer him a free passage home, or his freedom, as he should elect; and wrote a letter to him, advising him of the day and hour upon which his arrival might be expected. An accident on the railroad delayed the master, on the way for several hours, and, at last, he came, unlooked for, on a freight train. The town had already been warned to expect him by the assembling of a mob of negroes and whites at the passenger station, to receive him at the customary hour of appearance of the Southern passenger train, which did not come. Having registered his name in full and place of abode, at a hotel, and casually remarked upon the object of his visit to Oberlin, a gentleman, familiar with the spirit of the town, took him aside, and, in whispered conversation, informed him of the extreme peril of his life, should his presence become generally known. The thoughtful stranger advised the unsuspecting Southern master to go into the lobbies and inquire aloud for a vender of a pair of fine roadsters. He, himself, would respond with an offer to sell such a team. The horses and vehicle, for trial, would be driven to the door, the baggage left unnoticed, the two men would drive off and make all speed for a railroad station ten miles away toward the South. Thus did the master make his escape from the threatened consequences of his peaceful expedition to an educational centre of the Union.

On the other side, Mr. Giddings, in a public address to his constituents in Ohio, recounted to them the outrages perpetrated against the Abolitionists by the Southern members on the floors of Congress. Mr. Giddings said he was proceeding to address the House on the subject of slavery practices in Georgia. He was interrupted by a member from that State, who stood in front of his seat with an uplifted "bludgeon," declaring, "if you repeat that remark I will knock you down." A member from Louisiana drew his bowie knife on the same occasion, and cocked his pistol in his pocket, "so that all around me could hear it click." Senator Foote, from

Mississippi, assured Senator Hale, from New Hampshire, that the latter could not advance ten miles into the State of the former without being swung to a convenient limb, by some of the first gentlemen of the Union, "and I should myself assist in the operation," concluded the Mississippian.

The Whigs believed the time propitious for the organization of a Union party. Under the name of the American party, they met in National Council, June 5, 1855, at Philadelphia, to announce a platform for the Presidential election of November, 1856—seventeen months distant. The other motive, not less imperative, was to attempt to carry, on their platform, the Southern State elections of the summer of 1855, for Representatives in Congress and for State officers. The American party, in its origin, was the expression of a sincere alarm at the rapid increase of foreign immigration, and the enactments of Congress favorable to alien suffrage and early naturalization. Peril from these sources did not menace the slave States, and hence the party took form first in the free States, commending itself to the Southern Whigs only as a promise of resistance to the State Rights party committed to a contingent dissolution of the Union. In the elections of 1844 the new party, with a local aim only, achieved distinguished success. It elected the mayor of New York and the mayor of Philadelphia, amidst scenes of riot and arson in both cities. Two Catholic churches were burned at Philadelphia by the partisans of the new organization. In several of the free States, from 1844 to 1852, a few members of the national House of Representatives were chosen by the Americans. In 1852 the party was reorganized at the North, by the introduction of a ritual and secrecy, with a feature of hostility to Catholics in office. On account of the oaths imposed and the secrecy of its proceedings, individuals being required to conceal their membership, it was henceforward known by its opponents as the Know Nothing party. In the South one of the early promoters of the American party was Alexander H. Stewart, of Virginia, a member of the Whig Administration of 1848. Its first contest with the Democrats of the South was joined in Virginia, in 1853, when Henry A. Wise, long a Whig, defeated, for the Governor's office, the American candidate. In Alabama the new party made some effort, before



1855, and in the local conflict at Mobile the Catholic property near that city was burned by American partisans.

The appearance of the American party in national organization, and upon a platform presenting all the issues of the day, compelled Mr. Yancey to abandon his retirement from political life. In the hope of breaking the traditional hold of the Democratic party in the slave States, the Philadelphia council of national Americans went much farther than the Northern majority of its members conscientiously approved in endorsing the Southern position on the questions of the day. The first section opened the way, in declarations of a political character, acknowledging the Deity, and proclaiming the interference of Providence "in every step by which we have advanced to the character of an independent nation." The third section declared the Union to be "the paramount political good," vindicating the proposition on "the language of Washington," asserting it to be "the primary object of patriotic desire." The eighth section pledged the party to "resistance to the aggressive policy and corrupt tendencies of the Roman Catholic Church in our country," and pledged the party to hold fast to the proposition, that "Americans only shall govern America." The famous Twelfth Section reviewed the failure of the Whig and Democratic parties to establish peace between the sections, whereby it had become "the imperative duty of the American party to interpose for the purpose of giving peace to the country and perpetuity to the Union;" the party would abide by the existing laws relating to slavery; "Congress possesses no power, under the Constitution, to legislate upon the subject of slavery in the States, where it does or may exist, or to exclude any State from admission into the Union because its Constitution does or does not recognize the institution of slavery as a part of its social system; and expressly pre-termining any expressions of opinion upon the power of Congress to establish or prohibit slavery in any Territory, it is the sense of the National Council that Congress ought not to legislate upon the subject of slavery within the Territories of the United States, and that any interference by Congress with slavery as it exists in the District of Columbia, would be a violation of the spirit and intention of the compact by which the State of Maryland

ceded the District to the United States, and a breach of the national faith." The concluding section abolished secrecy from the proceedings of the order.

As a result of the council, all the Southern States, where elections were pending, were immediately agitated with the collision of the new party with the Democratic organization. In Virginia, John Minor Botts, the leading opponent of the Democrats, declared: "If the South continues to persist in holding on to that platform (listen to me I entreat you while I tell you) certain and inglorious defeat awaits us. No matter what you and I think, and no matter how right it may be, it is not satisfactory to the majority of the party in the Union." The American ranks in Alabama were strengthened by the accessions of some important characters from the Democrats. At Mobile, the Mayor, Jones M. Withers and Percy Walker, joined them, and at Montgomery, James E. Belser, a former member of Congress. In State council they nominated, for Governor, a Circuit Judge, George D. Shortridge, a Whig. In the Districts, they nominated candidates for Representative in Congress, and in the counties, candidates for the party appeared for all the elective offices. The Democrats nominated Governor Winston for re-election, and brought out their best men. The State campaign of 1855 was long declared to have been equal in all exciting influences to the memorable contest of 1840. Winston and Shortridge entered upon a thorough joint canvass of the State, passing in their private conveyances through the counties, and often speaking in several places in a single county. The debates between the candidates for Representative in Congress and the Legislature, were pursued in every precinct. The *Mobile Advertiser*, under Langdon, and the *Mobile Register*, under John Forsyth, the *Montgomery Mail* and the *Montgomery Advertiser* kept alive the partisan strife with brilliant criticisms of orators and their arguments. Yancey and Hilliard now resumed their long suspended debates. The Americans put forward Thomas H. Watts, for Representative in Congress, and the Democrats brought up to meet him James F. Dowdell, a Secessionist of 1851. Goldthwaite, Chilton, Rice, Clanton, Taylor, Hopkins, Clemens, Cocke, Robert Jemison, Alexander White, Prince, Posey and Judge were orators, in all parts of the State, of a high order,

earnestly devoted to their party and most industriously engaged in labors for its success.

Mr. Yancey's robust health had failed under the severe labors of his profession. He was attacked by a neuralgia of the spine, so serious as to become apparent to the observer, in the marked stoop of the shoulders where, aforesaid, his bearing had been erect. "Mr. Yancey used to come to my father's house and make it his home when he came to the courts in the eastern part of the State (wrote many years later, a distinguished statesman). He suffered intensely and would remain in bed for days on some of his visits, when his labor was over. I was a mere lad then and, under pretext of serving him, often sat in his room to hear him talk. He was never cast down and was always ready for pleasant chat. He was so cheerful and pleasant under all circumstances that every member of the family loved him. I would rub his back to relieve his pain, but I never heard him complain of his suffering. I remember on one occasion, when he was able to sit up in his room, a neighbor called and was invited in to see him. Naturally, the conversation turned on politics, and Mr. Yancey talked with extraordinary brilliancy. The Whig visitor said at last, 'Ah, Mr. Yancey, you can out talk me.' 'Out talk you, (replied Yancey). And what does that mean? Do I talk louder or longer than you? Do I talk faster? I have heard the phrase before, but never understood it. You mean, sir, to say that you cannot answer my argument.'"

The words of the following letter present the circumstances of Mr. Yancey's course, at this time, and indicate the date and occasion of his return to political life, from which he never, for any considerable time thereafter, retired.

"MONTGOMERY, JUNE 23, 1855.

"*Wm. H. Northington, Esq.:*

"DEAR SIR: I am in receipt of yours of 21st inst., informing me of the rumors, also afloat in Autauga, that I belong to the order known as 'Know Nothings' and requesting 'an exposition of my views relative to the principles, objects, tendency and ultimate designs of the new political party.'

"I had heard of such a rumor not only as existing in Autauga, but as pervading several other counties. Taking no active part in politics, however, I have never considered the

matter worthy of public notice, and do not now; and I reluctantly yield to my personal regard for you to comply with your wishes and to give some of the views I entertain as to the order commonly called 'Know Nothing, or Native American party.'

"I have not the time to spare to write out the elaborate exposition which your letter calls for. I have never been a member of the order. Until very recently, all that was known of this new party, outside of its own organization was, that it was a political association whose members were unknown, whose principles were kept secret, whose meetings were with closed doors and was, thus, completely shielded from public opinion. If the old caucuses, whose members were known, the time and place of whose meetings were publicly proclaimed, and whose principles were openly discussed, were considered objectionable, how far more objectionable must have been these characteristics of this new party.

"\* \* I must think the revival of this long repudiated and dangerous doctrine (that in all doubtful and disputed points of federal law the Constitution may be legally ascertained and expounded only by the judicial power of the United States) by so vigorous a party as is that of the Know Nothings portends evil to the country.

"The South had become almost united upon the Georgia platform, after the Secessionists failed to carry immediate secession. The only difference between the Secessionists and Georgia Platform was, that the former took position that enough had been done to justify immediate secession, while the latter pledged its supporters to resist, to the last extremity, any farther encroachments upon our rights. Failing then in their views, the Secessionists ranged themselves upon the Georgia Platform, and thus were the two great Southern parties united in a pledge not to refer future political difficulties on the slavery issue to another equitable adjustment, or to the Supreme Court, but to the last resort of outraged nations — secession or arms.

"No State Rights man can subscribe to the doctrine contained in their third and fourth articles. His creed is far different and may be summed up, thus — 'the maintenance of the federal and State Constitutions in their integrity and stern

opposition to any Union to be based upon and preserved by their violation.'

"The eighth article pledges the Know Nothings to exclude from all political stations the members of the Roman Catholic Church. My religious education has taught me to believe that the tendency of that faith is anti-Republican. But my political education teaches me that no religious sect was ever destroyed or even weakened by proscription. Political persecution drove Huguenot, Puritan and Quaker to this country, and laid broad and deep the foundation stone on which has been erected a glorious temple to religious and political equality.

"The essential element of all our liberties is freedom of conscience—in religious and temporal affairs. With our great ancestors this had been a practical issue. The only true American tests on any religious issues are, the Bible, the school house and the pulpit. To these, heretofore, have Methodist, Baptist, Presbyterian and Episcopalian submitted; and the consequence has been order and prosperity. This has been the true and only American rule. Nothing can be more anti-American, more European, more in accordance with kingcraft and despotism, more analogous to the secret and fearful tribunals of the Inquisition than this proposed political combination of the members of the new order to proscribe citizens of the United States who profess the Roman Catholic religion. It will not do to say that Roman Catholics will be tolerated in their worship of God and in the enjoyment of their faith, and that all that is contemplated by the order is to exclude them from office. A Roman Catholic citizen has a right to a full fruition of all the privileges of his citizenship. It is a privilege to serve the State in office. The order proposes to secure to him the privilege of worshipping God as he pleases, but says to him, 'if you do, you must give up that other privilege of holding office.' To conclude, I think the tendency of the new party is eminently anti-American. It is true, they proclaim that 'America must be governed only by Americans,' but, in the name of liberty, let it be according to American ideas!

"Allow me to say, that there are ends and aims proposed by the order with which I sympathize. There are others which I cannot approve. One might consent to overlook

minor matters, but I can give my adhesion to no party which repudiates the great State Rights creed, and undertakes to step between the freedom of conscience of any citizens and the privileges which our Constitution guarantees alike to all."

"Very truly, your friend,

"W. L. YANCEY."

Other open correspondence became necessary from this beginning, and the demand of the people for the orator upon the stump became irresistible. He spoke at Columbus, Georgia, and thence passed on to Macon, the same State, to speak.

The audience halls were over-crowded in both places, and the press comments on the speeches were notably different from press notices of all other orators. The speech here given was delivered at Columbus:

"*Fellow Citizens*: I appear before you this evening at the solicitation of many friends to address you on the great and interesting questions which the rise and progress of Know-Nothingism presents for our consideration. As is well known to you, I have for several years stood aloof from the contests of the old national parties which have divided the people of the South, believing that their tendency has been in direct antagonism to a true Southern policy. This conviction has been strengthened, not weakened, by late events; and I verily believe that a like conviction had been growing up in the minds of the Southern people, since the passage of those measures known as the compromise acts of 1850; that they were beginning to realize, and to act upon the belief, that to their union upon some common policy alone could they look for ultimate protection within or safety out of the Union. It is an undeniable fact, that, since the contest in the South, consequent upon the passage of the compromise bills, there has been an unusual calmness and repose amongst our people. An indifferent observer might have attributed it to apathy—that apathy which often follows intense excitement. But to him who looked deeper into the great public heart, and who was at all familiar with the character of our patient, brave and self-reliant people, another aspect was presented—that of a people whose minds were made up on the great issues of the day, who were agreed upon the question of their wrongs, and upon the manner of their redress; and with no fears as to the result,

were calmly awaiting the hour of action. It followed, necessarily, from this state of the public mind, that party ties sat loosely upon men—that tho' the old party organizations still existed, their members regarded their political opponents here at home with less of prejudice and hostility than had been their wont; that a spirit of enlarged charity, of patriotic brotherhood animated all. We were almost in view of that period, of the arrival of which many a patriot had gone to his grave despairing, in which, without distinction of party, there would be a union of the South for the sake of the South.

“This state of things had been preceded by great differences of opinion as to the proper course to be pursued. A large part of the Southern people believed longer forbearance would not be a virtue; that no reasonable hope could be entertained that the North, with its numerical power, flushed with triumphs and animated with a fanatical zeal which laughed to scorn the Bible and the Constitution, would respect that compromise, or cease its assaults upon us; and thus believing urged upon the Southern States an immediate secession from the Union. They argued that the federal government had ceased to be a protection to Southern Rights—that it had become a powerful machinery in the hands of the North to aggrandize itself at the expense of the South. The great mass of our fellow citizens, however, more patient and more hopeful, determined against the immediate secession policy. They resolved that they would acquiesce in the compromise measures as a final adjustment of the slavery issues, and would resist, to the last extremity, any further aggression upon the South. In one State—the State of Georgia—this resolve was made its fundamental law, and I believe I am fully justified in saying that the majority of every other Southern State, or, at least every cotton State, acquiesced in the policy indicated by Georgia. The minority, consisting of the immediate Secessionists, were forced to yield, and, driven by this popular decision from their more advanced positions, naturally found their next resistance ground on the Georgia Platform. After that decision, there was no further disagreement in the South. All parties stood in alignment upon that position, animated by one resolve, aye, and with one faith in the future. Far different was the condition of things at the North. That section was



in strong contrast with the repose of the South. Tho' no right of their's was even questioned, the public mind, like a great cauldron, seethed with all the elements of Abolition fanaticism. Whatever their differences of opinion in local matters, there was, for all practical purposes, unity of sentiment and unity of action on the slavery issue. They are united in pronouncing slavery a political and social evil. They are united in the sentiment that it would be a great political evil that the institution should spread itself over the Territories, and that new slave States should thus be formed. They are united in the belief that it is incumbent upon them to do all in their power to oppose the increase of slavery. Thus far, all parties at the North, practically, are in unison. Their disagreements commence with a policy and constitutional obligations. They agree that Congress has the power to abolish slavery in the District of Columbia; they disagree only as to the policy of such an act. An immense majority of them agree that Congress has the power to exclude slave immigration to the Territories; they disagree only as to the propriety of such Congressional action, south of the Missouri compromise line. They agree that slaveholders can be constitutionally excluded from settling in the Territories, while in a condition of Territorial pupilage; they disagree as to the proper mode of effecting our exclusion. One faction contends that it is the duty of Congress to exclude us by law; another contends that the squatters have the right to exclude us by a law of their own making. Another holds (and this is the doctrine of General Cass) that we cannot hold slaves in a Territory, without the law of the Territorial Legislature legalizing slavery, while the largest and most active portion contend that neither Congress nor the Territorial Legislature, nor the Convention called to frame a Constitution for the new State can authorize the existence of slavery in a Territory or in a new State.

“ Thus, you perceive, our assailants are united in all the essentials of antagonism to slavery; they only disagree as to some of the modes necessary to exclude it from the Territories. An immense majority agree that there is power to exclude us from settlement in the Territories, and, as a consequence, from having any voice in framing the Constitutions of new States.



“ Amidst all this free soil agitation there exists but one party that, either in spirit or sentiment, manifests any disposition to stand by the South and the Constitution, and that is the Democratic party. The old National Whig party has been completely absorbed by free-soilism and its very name abandoned. Tho’ the Democracy has not fallen to this estate, it is evident that but little more than a remnant remains of its once mighty majorities. Year by year and election succeeding election, show that the members and leaders of that party decrease; until now, there remains, I believe, about one dozen of its members in the two Houses of Congress — including General Cass and his followers.

“ The controlling element in all Northern elections, at this time, is, opposition to slavery and at every election, the ranks of Abolitionism are swelled by new accessions, and those of the Democracy reduced by defeat or defection. The result is, the majority of anti-slavery men, found in the House of Representatives, while the Senate but bides its time until the same power shall fill its seats with fit compeers of Holland, Wilson and Seward. Is no lesson to be drawn from a review of these facts? Is the mind of the South to be seduced with the hope that at another election a re-action will take place and the tide of fanaticism will be rolled back by reason and a regard for the Constitutional right of the institutions of the slave States? Or does not wisdom cry aloud to us to take care of ourselves? If the North comes to its senses, well. But, at all events, let us prepare for the contingency that this state of things is likely to go on and will soon be brought to bear practically upon the question of our equality in the Union. It is folly to blind our eyes to our true condition. We are in the midst of a mighty sectional contest; and in the recognition of that fact, we will find the solution of this united North against the South, and the South against the North. The laws of nature in their majesty stand out from the issue more imperative than the obligations due to national parties, or even to Constitutions. The checks and balances of our noble Constitution, it is true, were designed to keep down and to control all those sectional elements that have arisen in the States of the Union. The just observance of the State Rights creed, in the conduct of the general government, would

effectually keep the sectional elements in control and, indeed, leave no opportunity for their display. But the spirit of consolidation, over-riding the genius of our system and usurping the rights of States and dominating in concerns outside of the federal jurisdiction, brings to the surface those sectional antagonisms which naturally underlie great interests, built upon varied industrial conditions, founded on soil and climate.

“The Creator has beautified the face of this Union with sectional features. Absorbing all minor sub-divisions, He has made the North and the South; the one the region of frost, ribbed in with ice and granite; the other baring its generous bosom to the sun and ever smiling under its influence. The climate, soil and productions of these two grand divisions of the land, have made the character of their inhabitants. Those who occupy the one are cool, calculating, enterprising, selfish and grasping; the inhabitants of the other, are ardent, brave and magnanimous, more disposed to give than to accumulate, to enjoy ease rather than to labor.

“The institution of slavery, tho’ recognized by the federal Constitution, in the representative and tax paying features of the government is, nevertheless, essentially sectional. It exists for the benefit of the South and is its chief source of wealth and power; and now in the hour of its peril, assailed by the great Northern antagonistic force, it must look to the South alone for protection.

“I have been somewhat diffuse and elaborate in presenting the present attitude of the North and the South toward each other, but it has been necessary to my argument. I have shown that a contest rages between the sections on account of a sectional institution prevailing here. I have shown that our assailants occupy the vantage ground in the conflict; that their numerical majority is cemented by a gradual increase of their victories at the polls, covering a series of years; that their opponents in the South have given way before them. It is a simple question of time, when the North will have gained control of each and every department of the government — executive, legislative and judicial.

“The question, then, naturally arises, what protection have we against the arbitrary course of this Northern majority? Considering the question as a Constitutional one, the answer

is clear—our protection consists in the recognition of the great State Rights doctrine, which compels majorities to respect the rights of minorities. By that doctrine the States are co-equal in interest in the Territories and Congress is but their agent to govern for the benefit of all. Neither squatters or settlers in the Territories carry any inherent right to make laws there. Laws can only be made there by the act of Congress organizing the Territorial government, and the inhabitants, of course, can only acquire from Congress such rights of legislation as Congress may itself possess. As Congress can make no law excluding slavery from the Territory, it follows, that it cannot delegate any such law making authority. An agent cannot be clothed with greater power than his principal. But, as Congress is bound to protect every citizen in his rights of property wherever Congress has jurisdiction, it follows that Congress is bound to protect the slaveholder, who settles in the Territories with his slaves, in the full enjoyment of that species of property. The slaveholder justly claims protection in the Territories by reason of the fact that his State is a co-equal sovereign in the ownership; and as long as the domain remains in a Territorial condition the settler has the right to demand that the laws be made to protect his property, and that none be enacted to impair or destroy his right. Under this view, each section has a fair and equal chance in the settlement of the public domain; and when the time arrives for the settlers to frame a State Constitution and to assume the mantle of State sovereignty, each section will have had a fair and equal opportunity of being heard in the settlement of the question whether or not the institution of slavery shall be incorporated into the State Constitution.

“The question may be asked, however, if this sectional majority does not respect this State Rights doctrine, but rather overrules it, and acts upon the reverse principle, what can you do? The answer is, that as the government will then have become centralized and no longer subserves the end for which it was created, withdraw from it! In its original formation, two kinds of rights were considered of by the States: First, the rights they granted the government; second, the rights they reserved. Hence, there has been inserted in the Constitution an amendment, declaring that the powers which have not been

delegated to the United States, nor prohibited to the States, are reserved by the States respectively or to the people. Upon the doctrines of the State Rights school, there has been very little diversity of opinion at the South. They are the only doctrines that can check a licentious majority from the exercise of all its selfish ends; the only doctrines upon which a sectional minority can maintain its rights in the Union.

“Such, then, was the relation of the North and South to each other when a new party arose with the full proportions of maturity and strength, and proclaimed its ability to settle this vexed question, and to save the Union. This party had been known as a Northern party for the past year. It had distinguished itself by a career of victories in Northern cities and Northern States, and its garments were dyed red with the blood of those Northern men who had manifested sympathy with the South. Politicians and judges, and a certain class of citizen soldiery fell victims to its vengeance. In the wide sweep of its aims it proposed to regulate both the political and religious conscience of the people of the Union. Its origin or its history certainly failed to recommend it to the people of the South. Nevertheless it crept into a powerful position in our midst and by the number and character of its Southern adherence is entitled to a calm consideration at our hands. Its aims and principles have received an authoritative exposition from its National Council, recently convened at Philadelphia. The Council was composed, apparently, of very discordant materials—Southern slave holders and Northern Abolitionists, men of ability, too, jealous of their positions, and yet desirous of framing a platform upon which North and South could stand. It may be taken for granted, therefore, that all its articles were framed with great care, before being even submitted formally to a committee; that they were, in committee, carefully analyzed, and that they received, in convention, equal consideration in the principles they announced and in the phraseology employed. If a word is wanting in that platform which would somewhat qualify its expression, so as to make it more palatable to Southern men, it must be taken to have been carefully excluded. If a word is there which is not altogether such as some of its supporters like, it must be taken to have been designedly placed there. The

idea cannot be, for a moment, entertained that words were used carelessly in the remarkable composition of that platform ; and that any other meaning is to be attached to its words than such as the language itself palpably conveys to a candid mind. A careful study and analysis of its policy and its principles, in connection with the oath the ritual of the party exacts, convinces every one that the chief aim of the new party is the preservation of the Union ; and the chief principles upon which it is founded are, the exclusion of foreigners and Roman Catholics from the privileges of holding office. It will strike every unprejudiced Southern mind that the slavery issue was considered by the platform only as incidental ; that the Council gave expression only to views on this subject which conservative Northern men entertained and, lest the delegates and the party might become involved in the meshes of construction, it 'pre-termitted any expression of opinion upon the power of Congress to establish or prohibit slavery in any Territory.'

"Upon that question the Abolition party proper, the Free Soil party and the Cass wing of the Democracy had long since expressed an opinion, and there seemed to be but one view of it at the South. Did not the members of the Council have an opinion on that question ? It would be doing gross injustice to their intellects and their patriotism to deny it ! Why then was it agreed, not only not to express that opinion, but to incorporate in their platform that the omission was by design ? Certainly, for no other reason than the conviction, in the first place, that the members of that body held antagonistic views upon that question, and, in the second place, that the expression of any opinion upon it would be the death blow to the nationality of the party.

"Know-Nothingism, then, sacrificed the South to attain to nationality. I say sacrificed the South, for the point upon which that party 'pre-termitted' any expression of opinion is the vital, practical question at issue, and is considered the weakest and most vulnerable side of slavery. Any attack upon slavery in the States would strike so immediately, and directly, at the existence of the institution in its very citadel, as it were, as to bring out its defenders in force. But to assail it in the Territories, where, perhaps, but few slave

holders, with slaves, are to be found, would excite less attention, and might even pass as an abstraction! \* \* I am not aware that any such Abolitionists as Wilson, Gardner and Ford were ever admitted as members of a National Democratic Convention. The Barnburners, of New York, were not of that school of free-soilers. That faction had always urged that the slavery issue be not urged upon them — that it was a local matter — that it should not be made a test question. They did not attempt to force the Democratic party to take the ground that Congress had the power to legislate against slavery, but they desired that the Democracy should do precisely what the Know Nothings have done — ‘pre-termit any expression of opinion on the subject.’

“I will now turn to a consideration of the principles set forth in the Philadelphia platform, fundamental, and evidently designed to govern the party under any and all contingencies which may arise. First in order of announcement, and chief in the esteem of the new party, is the declaration, to which it swears its members, that ‘the maintenance of the Union is the paramount political good.’ These words are significant and suggestive. The Union has been threatened because of the violation of the Constitutional rights of the South. It has been threatened because of its failure to protect Southern property in free States. It has become a serious question, in the South, for many years, whether the Union was a Constitutional Union, and whether some of the States should not resume their sovereignty. None knew of these facts better than the members of the Know Nothing Council, for in that body were Secessionists and Unionists on old issues. What Union is, then, contemplated by that clause? There can be but one answer, and that answer cannot be given in words more concise or significant than the Council itself employed. It is ‘the Union,’ without qualification; ‘the Union,’ without reference to any opinions as to its Constitutionality or otherwise; ‘the Union,’ *de facto*, a palpable, plain, never-to-be-misapprehended realization, unfettered by the entanglements of right; ‘the Union,’ a fact! It will not do for a Know Nothing to assert that the platform contemplates only a Constitutional Union, for it nowhere says so. Knowing that the questions of State Rights and Constitutional Union have been

raised, it ignores them. If the Council had designed to maintain a Constitutional Union, it would have sworn its members accordingly; if it had so designed, it would have placed the rights of the States and the Constitution of the United States on the same high footing to which it has elevated the Union, and would never have declared the maintenance of the Union paramount to the terms on which it was entered upon. All State Rights men know the rights of the States are of equal dignity with the authority granted to the general government, and all must plainly see that whenever the latter is to be held as more sacred — paramount — that a Union on such principles is not a Constitutional Union. That this construction of the clause is correct, is not only manifest in the third degree oath required of Know Nothings, but by other clauses which follow it in the platform; and which may be considered as the means by which Know-Nothingism proposes to maintain the Union and to crush secession, or any resistance of any kind to usurpation of power by the Union.

“The Philadelphia Platform proposes that all political differences which threaten the Union, shall be settled, if possible, by equitable adjustment, that is, by compromise. What are ‘equitable adjustments’ it would trouble Know-Nothingism to define. They are one thing in Abolition New England, and another in slave holding Alabama. The definition given by a Massachusetts Federalist would be widely at variance with that given by a South Carolina Nullifier. The clause, in fact, provides that the differences shall be taken beyond the confines of the Constitution for equitable adjustment. And who are to be the arbiters? There can be none other than the members of Congress, where Abolition prevails, by a majority which has produced the wrong, to be referred back for settlement on principles of equity! In other words, the South, finding itself worsted in its struggle with the North for Constitutional rights, is to yield, begging the North not to push us to extremity, but to reconsider, and not to take from us any more than its convenience will allow it to take.

“The Georgia Platform announced that the next aggression would not be referred to compromise, but should be resisted to the last extremity; and the whole South responded to the noble-spirited decision. Know-Nothingism, however,



comes in with another doctrine — another spirit — and teaches us to beg the victor himself, to determine how much, in all conscience, he will leave us! Under which teaching is a race of freemen to be reared?

“But, in justice to each platform, it must be said, the means proposed by each, well subserves the ends aimed at by each. The Know Nothing platform, if its policy be observed, will maintain the ‘Union,’ tho’ it crush the rights of the South; the Georgia Platform will save the South, even at the expense of the Union.

“Suppose, however, that the two sections are unable to agree upon an equitable adjustment, what does Know-Nothingism propose in lieu of that resistance pledged by the Georgia Platform? It urges the submission of the difficulty to the Supreme Court of the United States, as the only legal expounder of the Constitution. This monstrous doctrine is simply a revival of the federalism of John Adams’ day. It was assailed by Jefferson, in the revolution of 1798, successfully put down, and has never found a party at the South to urge it, until it was taken up by the Know Nothings. The old line Southern Whigs have always repudiated it. The national Democracy has ever denounced it. There is no warrant for it in the Constitution. The very proposition is an absurdity in itself. The Constitution is an aggregation of powers granted by the States, and in the instrument it is guardedly and carefully asserted that the grant is not to be taken to prejudice rights reserved in the States. In the Constitution, a judiciary is provided for to determine questions of property arising under the granted powers. Yet, Know-Nothingism proposes to refer to the Supreme Court questions involving the reserved rights of the States; proposes to place the question of existence or non-existence of State sovereignty in the opinion of that Court! When or where, in what clause of the Constitution, did the sovereign States, who framed this government, propose that any other but their own judgment should determine whether their reserved rights had been invaded and the mode and manner of redress for the grievance? Let us look forward a few years and consider of the time when the North in its increase of numerical power, shall control both the legislative and executive departments of the government, and the Know Nothings



shall be in power. The President will then have been sworn by his party, in advance, to displace from office every man not in favor of 'the Union' and to appoint to office only such as may be in favor of 'the Union.' The Judiciary, too, will be composed of men sworn under the third degree, to 'maintain the Union as the paramount political good.' Imagine the great question of the right of a State to secede to be brought before such a court for adjudication, and the rendering of a decision adverse to the right. What then? Would the right be destroyed? Or, if not heeding the decision, the State of Georgia, acting on its own fundamental proposition to resist the next aggression upon her rights, should arm her people to seek that protection which 'the Union' had failed to provide, what position would the Know Nothing party then take in reference to the issue thus tendered? Even that contingency has been provided for and not left an open question by the Philadelphia platform. One of its clauses inculcates 'a habit of reverential obedience to the laws, whether national, State or municipal,' until repealed or declared unconstitutional, by the proper tribunal, the Supreme Court, and pledges all the authority of the party, to an uncompromising antagonism to every attempt to subvert or endanger 'the Union,' come from whatever quarter it may; and not only so, it swears its members to the support of that authority assumed by the party.

"No matter what the law passed, no matter what sovereignty or reservation of right may be involved, 'the maintenance of the Union' is held by Know-Nothingism to be 'the paramount political good'; and no matter, though the State, in exercise of its sovereign right, should secede from the Union or, in exercise of that natural right common to the very worm that is crushed beneath your heel, should rebel against such tyranny and usurpation, Know-Nothingism is pledged to ally itself with 'the Union' and exert its immense organic powers to sustain that tyranny and to humble the South. Can the Southern people be prepared to submit their destiny to such a party? Are they ready to embrace doctrines so monstrous in their direct tendencies, so destructive of our rights, and so galling to the spirit of free men? Even if the construction I have given to the Philadelphia platform is not as plain as the light of

noon-day, yet if it admits of a doubt, are we prepared to surrender the simple, spirited, clear propositions of the Georgia Platform and throw ourselves once more into the region of snares and pitfalls of former days, to seek out there our rights and to find the best mode of asserting them? I cannot believe the people are so disposed. I cannot believe that the struggles of the last twenty years on this issue have been in vain, and that the South loves 'the Union' more than she loves her rights. I cannot believe, indeed, that the large body of Southern men to be found in the Know Nothing lodges are so totally bereft of spirit and intelligence and patriotism, as to cling to a party which teaches to them that 'the Union' is more valuable than the rights which it was framed to protect. I must think that they were induced to enter this order upon other considerations than the Southern question and that, when they find whither they are drifting, they will come out of it and range themselves with their brethren who have resolved to bury old party dissensions and to await, as one body, the weight of the foes bearing down upon them; and when that time comes:

'Then welcome be Cumberland's steed to the shock.' "

The orator discussed at some length the inopportune attack of the new party upon foreigners, so far as the interests of the South were concerned. Recently a fugitive slave, Simms, had been captured at Boston. An Irish Roman Catholic company was called out to disperse the native American mob that collected to dispossess the federal officers of their prisoner, and an Irish Roman Catholic constable, in endeavoring to enforce the law, fell dead, stabbed by a native protestant. The Judge of a Massachusetts court, who had ruled to execute the fugitive slave law of Congress, was put upon impeachment trial, condemned and dismissed from office while the foreign born artillery company, which had assisted to enforce the decree of the court, was disbanded by American law and the commissions of its officers vacated. The South had received only kind offices from foreigners who lived here and understood her institutions. DeKalb, Pulaski and LaFayette had fought for them. "Will refusal to naturalize foreigners (he said) or to give them office check the alleged evil of their

presence at the North? Assuredly not. The federal Constitution bases representation on the whole number of free persons of a State, together with three-fifths of all other persons, Indians, not taxed, excluded. Whether naturalized or not, foreigners add to the political power of that section. If immigration is a political evil to the South, Know-Nothingism should propose a remedy for it."

Taking up the complaint of the new party against the Catholic religion, the orator said, until that party appeared the Southern people had left the question of religious affinities to the pulpit. The Know Nothings now affected to believe the pontifical power, temporal and spiritual, was about to be transferred to the United States, and, to relieve the country of that peril, they would disqualify the Catholics from office! What a hiatus between the gravity of the offence and the measure of punishment.

"But I must close (he said). I feel, fellow citizens, that I have drawn largely upon your patience, and I thank you for the attention with which you have honored my remarks. I submit them to your calm and candid consideration, as coming from one who has no interest in these great issues, save the interest that is yours, as one who asks nothing of you, save a truthful decision upon those issues; one whose only aim in mingling in the strife of politics is to persuade his countrymen not to permit their minds to be distracted at this juncture in public affairs, by any other issues, but that great and controlling and paramount one of the equality of the South in the Union, or her independence out of it. To espouse this principle successfully, you must rely upon but one party and that must be the men of the South for the sake of the South. If this party shall save 'the Union,' whether by appeal to the conservatism, the avarice, or the timidity of the North, well! If it will not save 'the Union' but will save our own, our native South, who among us that is not ready to cry out, it is well!"

It was not unusual to find editorial comment of newspapers on Mr. Yancey's speeches connected with the expression of the conscious inability of the editor to describe the oratory. The following extract from a Columbus paper, remarking upon his speech there, will convey some idea of

similar articles, which, from time to time, appeared in various States. After announcing that the hall was packed to its utmost capacity and that the audience was one of the largest ever seen in the town, the editor said: "We are rather at a loss to characterize the speech, for we have seen nothing in public speaking with which to compare it. There was no attempt at oratory, no mere declamation, no tropes, no wandering about for flowers, no feeling around for prejudices to awaken, or passions to arouse. There was directness and straight-forwardness in his manner and his language, which argued forgetfulness of all save the importance of his subject and the interest of his hearers. The speaker seemed to stand before his audience in all the guilelessness and simplicity of a child, pleading in childhood's earnestness and affection, yet with manhood's strength and power, for the cause of truth and his country."

A few days before the election, in August, Yancey and Hilliard debated at Montgomery. The *Advertiser* declared both had been heard to make better speeches. "Yancey, to be conciliatory of those who differed with him, filed his spirit down; Hilliard, desirous of conciliating those with whom he agreed, forced his spirit up." The debate made a profound impression, as the evidence stands.

General Harney was ordered to Kansas to quell the civil war then raging there. Colonel Albert Sidney Johnston was ordered to Utah to subdue the Mormons. The drawn sword of the federal power was put upon a career against local social institutions. President Pierce continued the policy which he adopted at the outset of his administration, striving to harmonize the sections by distributing the federal patronage between them. In apparent zeal to pacify the free States, outraged in the repeal of the Missouri "compromise," by which Kansas promised to become a slave State, he chose a Governor for it, from the free States, who favored Mr. Douglas' view of the Nebraska-Kansas bill.

The elections in Alabama resulted in favor of Winston for Governor, but Shortridge received a larger vote than any opposition candidate for the office had ever received. The vote against Winston was sensibly affected by the question of State aid to internal improvements, Shortridge representing

"State aid." The prosperity of industry demanded a larger currency, and a more varied enterprise than the plantation afforded.. Winston opposed the interference of the State. Percy Walker, American, was elected to Congress from the First, or Mobile District; E. S. Shorter, Secessionist, succeeded Abercrombie, Whig, in the Second; William R. Smith was re-elected in the Fourth, on his own previous platform, "the Union," by the American vote. The Democrats carried the remaining Districts. The State Rights men were content.

The elections of the summer and fall, in the free States, turned upon the ratification of the Philadelphia platform, and although the American party was successful, the platform was repudiated in those States. The State councils of the party repudiated the platform in the North, while the State councils in the South, everywhere, endorsed it. The Philadelphia National Council, of June, 1855, had adjourned to meet, for the purpose of nominating candidates for President and vice-President, on February 22, following — Washington's birthday. The Alabama council, in alarm over the demonstrations of hostility to the platform in the free States, met in extra session, at Montgomery, in November. The members were in despair. They passed a long series of resolutions utterly irreconcilable with equally emphatic expressions of the party in the free States, where the strength of the party lay. The Alabama council abolished all ceremonials, secrets and passwords, declared for a "strict construction" of the Constitution and "a Union, under the Constitution as above construed." The Twelfth Section, so lately renounced on all sides at the North, was reaffirmed by the Alabama council in special session. The naturalization laws were required to be so amended as "to affect all foreigners and to prevent the transportation and immigration of paupers and criminals." "Entire religious liberty," was demanded for all men. As the time approached for the reassembling of the National Council, the Alabama State council met, February 14, at Montgomery, to select delegates. Daniel Pratt, A. F. Hopkins, B. M. Woolsey, B. S. Bibb, Lewis E. Parsons, Clanton, Belser, Hooper, Langdon and many others, of the first rank in commercial pursuits, in the learned professions, and in the editorial conduct of newspapers, took their seats as delegates. Resolutions were passed,

reported by Mr. Langdon, taking, in unequivocal language, the most advanced Southern position on the rights of the South in the Territories. The second resolution declared, "that the power to exclude slavery from, or to establish it in a Territory, resides exclusively in a convention of the people of said Territory, legally assembled, under the Constitution of the United States, to form a State Constitution, preparatory to admission into the Union." The fourth resolution repeated the pledge of the Alabama Platform, of 1848, committing the members to the country and to each other, "to affiliate with no party nor support any man for office, who does not publicly and unequivocally avow the principles of these resolutions without change or abatement." Had Mr. Yancey himself drawn the resolutions they could not more boldly have expressed his position. They were adopted unanimously. Messrs. H. W. Hilliard and Jere Clemens were appointed electors for the State at large. Messrs. B. M. Woolsey, of Dallas, J. G. Gilchrist, of Lowndes, W. P. Chilton, of Macon, J. N. Carpenter, of Greene, Luke Pryor, of Limestone, E. R. Wallace, of Madison, and Lewis E. Parsons, of Talladega, were appointed District electors. Messrs. Hopkins, Shortridge, and others of equal prominence, were appointed delegates to the national nominating council, and a resolution was passed requesting Messrs. Walker and Smith, American party Representatives in Congress, to attend the same council. Mr. Hilliard spoke, hoping Fillmore would be nominated for President.

A movement had been successfully carried out, in the free States, to convene a special council at Philadelphia, two days before the meeting of the nominating council, for the purpose of rescinding the June platform and adopting one consistent with the declarations of the State councils in those States. The special council, for this purpose, assembled at Sansom Street Hall, February 18. The South was sparsely represented. On the second day, about one hundred and fifty delegates were present. An animated debate was opened on the question of admitting or excluding reporters of the political newspapers. A voice cried out, "it would be as well to admit the Pope of Rome." Mr. Bartlette, of Kentucky, was placed in the chair and, "all outsiders were requested to leave and the marshals were directed to turn out all who had not

been invited to remain." The President directed the sentinels to do their duty.

Two delegations appeared, from Louisiana, and among the members of one it was ascertained there were Catholics. The question of admitting either delegation was hotly debated. Mr. Brewster, of Boston, precipitated the question of the day, by offering a resolution to revoke the Twelfth Section of the June platform, and declared his purpose to force the vote, "for if the vote is not taken, the North will not go another inch with the Council." Governor Ford, of Ohio, spoke. "He would tell the gentlemen of the South that the North and West had come to the Council for the purpose of repudiating the obnoxious Twelfth Section; and he would tell the South that he was not here as a dough-face to excuse dough-faces. They were here to determine that there should be no more slave States and no more slave Territories." "Great applause." Mr. Boteler, of Virginia, said he "had little to say, but hadn't much faith in Americanism in the North. It was very fast verging into Abolitionism. The men of the North knew not what they were doing. The effect of the conduct of the North was endangering the lives and property of the men of the South. When the time came, as come it must, the North would find the South standing with unbroken front." The Council sat in great confusion. "Parson" Brownlow, of Tennessee, declared he could "take five men of his delegation and lick the Ohio delegation out of the hall." Mr. Denenhower, of Illinois, offered a resolution to rescind the whole of the June platform and adopt one that had been prepared at Washington. A delegate from Massachusetts, proposed that the council adopt the Bible and the Constitution for a platform and proceed to nominate candidates. The Council wrangled until three o'clock in the morning, and adjourned to meet at ten o'clock. "Members ran about the hall as if they were mad and roared like bulls." The platform prepared at Washington, was adopted in lieu of the June platform. It omitted all mention of the question of slavery. Because of the failure of the platform to denounce slavery there was a large secession of Eastern delegates. Alabama did not vote on the adoption of the new platform. Call, of Florida, Zollicoffer, of Tennessee, and a few other Southern men voted for it. Fillmore, George Law, Bell, Houston and

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others, received votes for the nomination but, on the first ballot, Fillmore received one vote more than all the others combined. When this result was made known, many Southern members, who had seceded when the platform was adopted, returned. General Call, a seceder, returned to be embraced by Parson Brownlow, who had remained, and Mr. Percy Walker, a seceder, returned, declaring "he wanted no better company than the descendants of the men who had first set foot on Plymouth Rock." On the second ballot, Mr. Fillmore received more than two-thirds of the votes cast, and was declared nominated for President. Call, of Florida, Raynor, of North Carolina, Bartlette, of Kentucky, and Donelson, of Tennessee, were placed in nomination for vice-President. On the first ballot, Donelson received the nomination. Parson Brownlow rose to announce that he would now depart for home and throughout the campaign he would "jump higher and roar louder than any other man in the State of Tennessee."

The Eastern seceders met in New York and nominated N. P. Banks, of Massachusetts, for President. The Alabama State council met to consider the action of the Philadelphia National Council. The national platform of the party was repudiated but the candidates nominated on it were accepted. Mr. Fillmore had never been a member of the order, nor had he ever renounced his early declaration of enmity to slavery. Messrs. White and Shortridge, two of the Alabama council delegates to Philadelphia, in an open letter, refused to support the platform or the nominees. Mr. Percy Walker resigned his seat in the House, at once began a canvass for re-election, on the Democratic platform, and succeeded. Colonel Withers resigned the mayoralty of Mobile, renounced the American party, stood for re-election, as a Democrat, and succeeded.



## **CHAPTER 16.**

### **Forcing the Issue.**

1856.

Co-temporary with its repudiation of all those guarantees of Southern rights, to which the American party had committed itself, by the June platform, of 1855, and with the irreparable sectional breach in the party, yet another new party was brought upon the field, more remarkable in the heterogeneous elements which entered it, and in the rapidity of their cohesion than any political organization known to American history. This second new party was, indeed, un-American in all of its avowed objects. The promoters of it neither expected or desired to apply the principles of Constitutional government to the conditions of the country. Rather was it their boast that the interests of the free States should dominate the government, to the abrogation of the original and still powerful interests of the slave States. At the outset, the leaders declared for the subordination of right to might; the reversion of the age of Washington to the age of the king. One hundred and sixty-one delegates, among them men of fortune and men of fame, representing every free State, and every faction and ism evolved thus far in the free States, convened at Pittsburgh, as if in travesty, on Washington's birthday, February 22, 1856. Horace Greeley, Whig, Francis P. Blair, Democrat, Joshua R. Giddings, Abolitionist, E. Rockford Hoar, American, A. Oakey Hall, type of expert politician, James G. Blaine, representative young leader,

Governors and Congressmen, men who, all their lives, had opposed each other, were now delegates, enthused with a common purpose of revolution. Eight slave States were ostensibly represented, yet, when the names of their delegates were enrolled, they were found, in every case, except Mr. Blair, from Maryland, to be men of position so ignoble at home as to justify the thoroughly sectional purposes of the convention. Mr. Blair was chosen to preside. Then and thus was organized the "Republican" party. Horace Greeley spoke at length, urging a conciliatory course toward the Americans of the free States, all of whom, he said, were devoted to the cause of anti-slavery; Mr. Blair asked for a mild course toward the Whigs of the slave States, because, in all the past, they had stood firmly by the policies of the free States; Mr. Giddings declared the Abolitionists would accept nothing less than a policy radical enough to promise a direct war against slavery, and the speedy extinction of the institution.

The object of the convention having been accomplished — the making of overtures to the Abolitionists, presenting defiance to the Americans and the designation of time and place for nominating candidates for President and vice-President — it adjourned; the members in high hope and the country unconscious of the decisive progress in revolution, which its work had accomplished.

The more circumspect statesmen of the South were not surprised at the practical unanimity of the North, or discouraged at the vehement denunciations of the institutions and people of the slave States from that quarter. Alabama again took the lead in meeting the issue presented. While the Alabama council of Americans sat, in November, 1855, at Montgomery, the Legislature convened. Quickly an address was sent out to the people, signed, first by the Governor, John A. Winston, by Benjamin C. Yancey, President of the Senate, by the Speaker of the House; signed by seventy-one of the leading men of the State, in all avocations and of all old parties, but the name of William L. Yancey, was not there, nor did he assist in the preparation. He yet awaited the return of his party to the Alabama Platform and its summons to him. The address appealed to the Democratic and anti-Know Nothing

voters of Alabama, to assemble in convention at the Capitol, on the evening of January 8, 1856. So unimportant were the preparations of the new born Republican party held to be, that the elaborate document omitted all mention of them. "It is the plain duty of the people (it said) to take warning from the vigilance, energy and dangerous character of the American party, and to assemble in convention to adopt measures for their future security, and for the preservation of their individual rights; and to determine how, in concert with the conservative patriots of all sections, at Cincinnati, in the coming spring or summer, they may best promote and perpetuate the principle of State Rights and the Union handed down to them by their fathers."

A very memorable convention, of the people was that which met in the hall of the House of Representatives on the evening of January 8. Never before had the little city of Montgomery been so thronged with distinguished visitors. The Bishops, of the Southern Dioceses of the Protestant Episcopal Church, were there; assembled to organize the most complete University of America, already with an endowment fund exceeding \$500,000 and rapidly increasing, to which was given a government and constitution of broad and splendid foundations, unsurpassed in any land—the University of the South. Legislators and eminent counsellors of the Supreme Court bar, leading politicians, Bishops and many fair women came to the meeting. Mr. Yancey took a seat in the throng. It may be safely said, that at no time in his career was he ever found in attendance on a political meeting that a general outcry did not arise from it demanding a speech from him. In response to such a demand now, he delivered a thoroughly considered address, which was an example of determining oratory, unsurpassed in any era by any orator. As period followed period, his countenance ablaze with that peculiar halo which was wont to surround it in his most earnest efforts, the great audience a compact mass of entranced persons, Bishop Polk whispered, as if in soliloquy, "magnificent!" Bishop Elliott responded, "grand!" For eight years, he said, he had fed on the bitter herbs of party displeasure. None could say in truth, that he had ever given aid or comfort, in all that season, to the enemies of his party. Party

absolutism, fancying itself secure from the conscience of the people, had proscribed him. But truth had revealed itself at last. The contempt of the people had trampled down the subterfuges of the politicians. Events had vindicated him. In the past he had warned the people of the things they now saw plainly. "As for my humble self (was the closing sentence) I know not that the Creator has endowed me with virtue to do right, though the heavens fall, but I thank God that I have had the courage to obey the dictates of my reason and to abide by the restraint of my conscience, even at the sacrifice of the favors of the Democratic party!"

While the Convention sat, the already long and bitter struggle, in the federal House of Representatives, to choose a speaker proceeded. After two months of unrivalled sectional conflict on the floor, Nathaniel P. Banks, from Massachusetts, received the office. He was an aggressive Abolitionist acting with the American party. With the organization of the House, began the contest between the pro-slavery and anti-slavery delegate from Kansas for the seat allowed to the Territory. Finally a committee was sent to investigate the rights of the two claimants. A volume of eleven hundred pages was submitted, containing the report of the pro-slavery members for Whitfield and the report of the anti-slavery members against him. The evidence for Whitfield was so conclusive and the alleged evidence against him so absurd, that, even the House, dominated by Abolitionists, yielded and he was seated, at a cost to the country of many thousands of dollars devoted to agitation by the Republicans. The reports of the committee sent to Kansas, exposed the fury of the civil strife raging there; the debates in the House, over the report, fomented the partisan conflict throughout the country, and the entire proceeding was pre-conceived to assist in giving impulse to the pending Presidential campaign.

Mr. Douglas had long contemplated his own candidature for the nomination, for the Presidency, in 1856, with a sincere desire to unite the West and the South, and thus to save the free States from the inevitable revolution impending the possible ascendancy of the Republican party. The substance of Mr. Yancey's argument, before the convention of January

8, was, that the expedient suggested by Mr. Douglas would have no other effect than to feed the revolution. It was practical corruption of public sentiment to teach the people to relieve Congress of its trusteeship over the common estate of the States, on the demand of the revolutionists. However honest might be Mr. Douglas' intention, the resort to a temporizing policy was untimely. When Charles I required John Hampden to pay twenty shillings ship money, he resisted in every court of England, not to save the paltry sum, but to make an issue against usurpation by the crown. In such vigilance alone could liberty be preserved. Mr. Yancey contended that the issue in the United States was imperative. The slave States would not be able to protect the free States, as Mr. Douglas hoped, from revolution, on Mr. Douglas' line of conduct. Whether slavery should be found profitable or not in Kansas, did not effect the question whether new slave States should be allowed or denied admission to the Union. The question was, should the people preserve or abandon the theory of government they had inherited. Douglas and Buchanan were accepted candidates for the nomination, at Cincinnati, for the Presidency. Mr. Buchanan was now minister at the court of St. James. He had not been involved in the discussion over the Nebraska-Kansas bill. He had been conspicuous as an enemy of the Abolitionists in both Houses of Congress. He had gone out of his way to befriend the South. Mr. Yancey lost no time, after his speech on the evening of January 8, in preparing Alabama, under his own leadership, to re-affirm the Alabama Platform.

In May, the Democratic party of Alabama assembled in convention at Montgomery, with a general understanding that the restoration of Mr. Yancey to his position would be then formally consummated. The official duties before it, were to appoint delegates to Cincinnati and to choose the electoral ticket. Montgomery County sent Mr. Yancey at the head of its delegation, and the Convention made him chairman of the committee on resolutions. The committee, through him, unanimously reported the Alabama Platform, of 1848, and the Convention unanimously adopted it, including the instructions to the delegates "to vote for no men for President or vice-President, who will not unequivocally

avow themselves to be opposed to either form of restricting slavery" — the Wilmot Proviso or the squatter sovereignty doctrine. Thus the Democratic party of Alabama, under Mr. Yancey's leadership, was united at home, and thus Alabama took the lead on the Southern or Constitutional issue of the day. No other State assumed the advanced position taken by Alabama. To sustain the State in that position, Mr. Yancey was unanimously chosen by the Convention elector for the State at large, and his brother was chosen District elector. Mr. John Forsyth was at the head of the instructed delegation to Cincinnati. Against his own protest, Mr. Yancey received the honor conferred upon him, for he well knew the will of the Convention was that he should make a thorough canvass of the State. His health was not restored, his law practice was full, and several of his children had arrived at an age which required their education at expensive schools. His profession, as yet, supplied nearly all his income. He could ill afford the loss of time.

The Republican party campaign, however, was unexpectedly precipitated, before its nominations had been declared. Second only in decisive results to Uncle Tom's Cabin was the sensation seized by that party, growing out of a castigation inflicted by Representative Brooks on Senator Sumner. The Anti-Slavery Society, at Boston, was unremitting in its urgency upon Mr. Sumner to pursue a radical course in the Senate. Meantime, in the whole period of the early social ostracism of that Senator, as explained in a previous chapter, Mr. Butler, from South Carolina, had maintained courteous personal relations with him, each gentleman enjoying the familiarity of the other with classic and polite literature. In answer to the unsatisfied demand of his home supporters, Mr. Sumner prepared an oration for delivery in the Senate, assailing, with intolerable asperity, the institutions of the South, and visiting upon Senator Butler, in particular, much his senior in age and in public service, the most offensive sarcasm. Mr. Butler was not in his seat at the delivery. Representative Preston S. Brooks, from South Carolina, a nephew of Mr. Butler, a young officer of the Mexican war, heard of the denunciation of his venerable and absent kinsman, and promptly resolved upon redress.

It was well known the Massachusetts Senator did not acknowledge the Code of Honor. As a dernier resort, Mr. Brooks resolved to castigate him. He did not wish to exceed the infliction of a few painful blows, mortifying to the sensibilities but not dangerous. Accordingly he purchased, for the purpose, an ordinary walking cane, of the substance known as gutta percha, hollow and brittle. He had thought of the cowhide as the proper weapon, but feared to trust himself, under excitement, with one capable of inflicting so severe punishment. Mr. Sumner was adjudged to be more than a match for him in a close encounter. After the Senate adjourned, Mr. Sumner remained in his seat, attending to his correspondence, when Mr. Brooks, accompanied at some distance, by Representatives Keitt, from South Carolina, and Edmundson, from Virginia, approached him, informed him what he intended to do, and struck him heavily. The Senator arose; other blows delivered on the head in quick succession, felled him to the floor; the blood flowed freely. The wounded man was borne to his apartments. The party organs took up the opportunity and bulletins were sent out daily, or hourly, giving, in sensational details, alleged reports of his condition. The "border ruffian" warfare had been transferred, from Kansas, to the national Capitol, it was declared. Amidst great demonstrations of partisan sympathy, the unhappy Senator was removed to Boston, where the daily and hourly reports by telegraph, of the condition of his wounds, were sent forth over the country. After a season of exhaustive surgical and medical treatment at his home, he was sent to Paris. There the surgeons, time after time, scarified the spine with hot irons to relieve brain trouble, arising, as was said, from a fracture of the skull. An autopsy however, made, nearly a quarter of a century later, proved there had been no fracture of the skull, and only skin deep wounds had been inflicted. The House, controlled by the revolutionary element, compelled Brooks and Keitt to resign. Both Representatives were at once, without opposition, returned from their Districts by unwonted majorities. The Legislature of South Carolina presented to Representative Edmundson a costly gold mounted cane, with inscriptions commemorative of his appearance as a friend of one of its



Representatives engaged in avenging the wrongs of his State. In the party strife which raged over the resolutions of censure of Brooks, Representative Anson Burlingame offended the Carolinian, and a challenge to the field was borne for him to the offender by Senator Joseph Lane, from Oregon. Burlingame accepted, on condition that the duel should take place at the Clifton House, on the Canada side of the Niagara. Mr. Lane construed the condition as an intentional impediment to the meeting, and desisted from further action. The anti-duelling press of the free States burst forth in plaudits of Burlingame's valor, which were surpassed in vehemence only by their denunciations of Brooks' lapse from the vaunted chivalry of his State. Brooks died in his lodgings at Washington, of a throat affection, long before Sumner had been discharged from the hands of his doctors. The lecture room, the pulpit and the press of the Anti-Slavery Society boasted of the avenging hand of God, miraculously interposed to strangle the slaveholder.

The Cincinnati Convention assembled, June 6. It was well understood that Alabama would adhere to her Platform. Mr. Douglas declared publicly, years later (Norfolk speech, 1860), that Alabama had laid down its ultimatum to the Convention — "forced it upon us." The Convention re-affirmed the party declarations of principle of 1844, 1848 and 1852, adding the following:

"And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, North and South, to the Constitution and the Union:

"*Resolved*, (1) That, claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States, and excite to treason and armed resistance to law in the Territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Nebraska and Kansas, as embodying the only sound and safe solution of the slavery question upon which the great national idea of the people of this country can repose in its determined conservation of the Union, and non-interference of Congress with slavery in the Territories or in the District of Columbia;



“(2) That this was the basis of the compromise of 1850, confirmed both by the Democratic and Whig parties in national conventions, ratified by the people in the election of 1852, and rightly applied to the organization of the Territories in 1854 ;

“(3) That by the uniform application of the Democratic principle to the organization of Territories and the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of the Union insured to its utmost capacity of embracing, in peace and harmony, every future American State, that may be constituted or annexed with a Republican form of government.”

Another resolution required the enforcement of the fugitive slave law of the “compromise,” “under an express provision of the Constitution.” “A crusade in the nineteenth century, and in the United States of America, against Catholics and foreign born citizens,” was ridiculed and condemned. Foreseeing the revival of the tariff discussion in the policy of the Republicans, a resolution declared :

“The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade, throughout the world, and, by solemn manifestations, to place their moral influence on the side of their successful example.”

Mr. Buchanan having won the first place on the ticket made by the Convention, Mr. Douglas’ friends claimed the right to name the candidate for the vice-Presidency. At his instance, John C. Breckenridge received the nomination for vice-President.

Messrs. John Forsyth, of Alabama, John Randolph Tucker, of Virginia, Horatio Seymour, of New York and others, a committee of the Convention, waited on Mr. Buchanan at his farm, “Wheatland,” Pennsylvania, bearing the official information of his nomination. The platform prepared for his endorsement ratified the Nebraska-Kansas act, construing it to protect “the equal rights of all the States” in the Territories, and thus providing for an “expansion of the Union.” The “non-interference of Congress with slavery in the Territories,” was the pledge of the party ; and “non-interference” was accepted, by Alabama, to mean a denial to Congress of authority to create a Territorial Legislature vested with the right of interference with the institution which Congress itself

was declared not to possess. It was expressly reiterated, from the Nebraska-Kansas act, that new States should be admitted with or without slavery, as their Constitutions might prescribe at the time of application.

Mr. Buchanan wrote a letter of acceptance. Mr. Yancey in the South and Mr. Douglas in the North became at once the cynosures of all eyes. The unsettled dispute of the sections divided the supporters of the Democratic ticket, and the conflict bounded onward, toward an arbitrament shorn of the delusions of party, and the misbeliefs of partisans. Mr. Douglas declared the doctrine of squatter sovereignty, which had been repudiated by the Convention in his own rejection for the nomination, was endorsed by the letter of acceptance of the nominee. Mr. Yancey contended that the meaning of the Alabama Platform had been incorporated in direct phrase, in the Cincinnati Platform, and endorsed by the letter of acceptance of the nominee. Mr. Buchanan wrote, under date Lancaster, June 13, 1856: "This legislation (of 1850) is founded upon principles as ancient as free government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits." Who were the "people" of a Territory? In his letter to Mr. Thadeus Sanford, of Mobile, pending the campaign of 1848, Mr. Buchanan had taken direct issue with General Cass, at that moment the party candidate, on the issue of squatter sovereignty. He then declared the "first comers" into the domain were not the "people," in the American or Constitutional sense. Adventurers who might happen to arrive on the land could not assemble and organize a government to set aside the institutions of the citizens of the States emigrating thither. He said :

"They (the first comers) had no power whatever over the subject of slavery, and they could neither interdict nor establish it, except when assembled to form a State Constitution. \* \* What an absurdity would it be, if while asserting this sovereign power in Congress -- which power from its very nature must be exclusive -- I should, in the very same breath, claim the identical power for the population of a Territory in an unorganized condition."

Mr. Yancey accepted the Sanford letter as a full correction of his interpretation of the older Berks County letter, and openly reconciled the two in confessing his error. But there were many gratifying evidences of Mr. Buchanan's consistency in defense of the Constitutional rights of slavery, ready for application in the campaign. He was one of two Senators from the free States, as has been explained, who voted for Mr. Calhoun's bill to allow the States to prohibit the delivery from the local post offices of incendiary literature, the meaning of which was to counteract the activity of the New England Anti-Slavery Society. In 1835 he spoke in the Senate against the Abolitionists' petitions, contending that, while the right of petition could not be refused, their documents should be instantly dismissed from consideration. Speaking at the same time on the duty of Congress, on the question of abolishing slavery in the District of Columbia, he said :

“What is now asked by these memorialists? That in this District of ten miles square — a District carved out of two slaveholding States and surrounded by them on all sides — slavery shall be abolished! What would be the effect of granting their request? You would thus erect a citadel in the very heart of those States, upon a territory which they have ceded to you for a very different purpose, from which Abolitionists and incendiaries could safely attack the peace and safety of their citizens. You establish a spot within the slaveholding States which would be a city of refuge for runaway slaves. You create by law a central point, from which trains of gunpowder may be safely laid, extending into the surrounding States, which may at any moment create a fearful and destructive explosion. By passing such a law, you introduce the enemy into the very bosom of those States and afford him every opportunity to produce a servile insurrection. Is there any reasonable man who can for a moment suppose that Virginia and Maryland would have ceded the District of Columbia to the United States, if they had entertained the slightest idea that Congress would ever use it for any such purpose? They ceded it for your use, for your convenience, and not for their own destruction. When slavery ceases to exist under the laws of Virginia and Maryland, then, and not till then, ought it to be abolished in the District of Columbia.”

Mr. Buchanan had, in another critical juncture of sectional conflict, come to the support of the South. Mr. Calhoun, speaking on the bill to authorize an issue of Treasury notes, October 3, 1837, in the Senate, said :

"I leave him in the hands of the Senator from Pennsylvania (Mr. Buchanan) who, in an able and Constitutional argument, completely demolished, in my judgment, the position assumed by the Senator from Massachusetts (Mr. Webster). I rejoice to hear such an argument from such a quarter. The return of the great State of Pennsylvania to the doctrine of rigid construction and State Rights, sheds a ray of light on the thick darkness that has long surrounded us."

Mr. Douglas, despairing finally of the measure of 1854, as the basis of harmonious politics between the West and the South, viewed the return of Yancey, to control, with a determination to assume the aggressive in his own section, and to compel the South to yield to him; Yancey saw, in Douglas' attitude, conclusive evidence of the correctness of his original position. Douglas' course now passed on, with accelerating rapidity, toward the un-American measures of the Republican party; Yancey's argument correspondingly fixed itself in the mind of the South, rapidly preparing for re-organization of its federal relations.

The Republican party, following the program fixed at Pittsburgh, in February, re-convened, June 17, at Philadelphia, and nominated John C. Fremont, for President, and William L. Dayton, of New Jersey, for vice-President. Except in the spurious nomenclature adopted, there was no effort to disguise the revolutionary purpose of the new party. Seeking support from the old Whigs, the Abolitionists and the various radical social organizations with which the free States teemed, it declared for the Union. Among the resolutions adopted were the following:

*"Resolved,* We deny the authority of Congress, of a Territorial Legislature, of any individual or association of individuals, to give local existence to slavery in any Territory of the United States, while the present Constitution shall be maintained.

*"Resolved,* That the Constitution confers upon Congress sovereign powers over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the imperative duty of Congress to prohibit in the Territories those twin relics of barbarism—polygamy and slavery.

*"Resolved,* That the appropriations of Congress for the improvement of rivers and harbors, of a national character, required for the accommodation and security of our existing commerce, are authorized by the Constitution and justified by the obligations of the government to protect the lives and property of its citizens."

The organization of parties — the American, the Democratic and the Republican — was now complete. In September, the “old line” Whigs, a body of exceptionally respectable gentlemen, met at Baltimore, declared civil war had begun, that party platforms were a delusion and snare and that the election of Mr. Fillmore would “furnish the best, if not the only means of restoring peace.”

Many political leaders from all parts of Alabama had heard Mr. Yancey speak, yet he was known only by fame to the masses. Unusual preparations were made to receive him, at his appointments, which reached every part of the State. Two examples of the great meetings of men and women which welcomed him, the one in the hill country, the other in the region of great plantations, will suffice to describe all. The letter here given, was written by a member of a widely known cotton factorage firm, at Mobile — Levi W. Lawler, since eminent in public services — giving an account of what he saw at his summer retreat:

“TALLADEGA, ALA., SEPT. 19, 1856.

“The *stump* is an American institution, and to be an effective stump speaker is to be able to simplify and present great questions in all their logical bearings to the understandings of a multitude of varying intelligence, moulding opinion and exciting interest, and directing action in the minds of all. It is easy to see that an effective stump speaker must be an orator of extraordinary power and varied attainments. A Presidential campaign calls into action hosts of orators, but the ears of the people are cultivated in this community to trust only a few, the chief in that number is, William L. Yancey. Yesterday was a proud day in his career and a victorious one for the Democracy. He won new laurels among this people.

“Mr. Clemens failed to appear according to appointment. Therefore Mr. Yancey invited Mr. Lewis E. Parsons, the Know Nothing elector, to fill Mr. Clemens’ place in debate. Mr. P. consented and opened the discussion in a two hours’ speech. He held a large scrap book opened before him and was evidently thoroughly prepared. He read copiously from Mr. Yancey’s pamphlet, of 1848, attempting to prove Buchanan’s squatter sovereignty views, denouncing him as a turn-coat, destitute of political or personal integrity, and wound up by a vain effort to show Fillmore to be the tried and approved man of the day. Mr. Parsons speaks fluently and argues well from his premises. He ignored the slavery question.

“Mr. Yancey rose to reply. He was greeted with loud and prolonged applause. For two hours he charmed and held spellbound the large

audience of ladies and gentlemen. He was self-reliant and most eloquent in grappling the mighty principles involved in the contest. He demonstrated the importance of a correct decision of those principles to the South, he defended the Kansas bill as the only safe solution of the vexed question, he contrasted the Philadelphia platform with the Alabama platform, and held the former up to the public indignation, he drew a powerful parallel between Fillmore and Buchanan, and appealed to every fair mind to judge between them in this perilous crisis—a broad side of two hours. I never witnessed the like of it before. He pierced Mr. Parsons with the spear of truth. He held him up to the audience squirming in torture. He turned him round and round to the gaze of the people, until they seemed ready to cry out, 'Hold! for mercy's sake.'

"Mr. Yancey's defense of Mr. Buchanan was entirely conclusive, and he carried the war into Africa by exposing the record of Mr. Fillmore. Each speaker had thirty minutes in rejoinder and sur-rejoinder.

"Mr. Yancey is a remarkable man. His resemblance in method and logical presentation of thought to the younger Pitt is striking. There is a felicitous expression of ideas, a compact structure of sentences, a burning energy of diction, an enthusiasm, earnestness and sincerity in his address which is wholly his own and which is irresistible. Wit, sarcasm, invective, eloquence all are at his command. Fox said of Pitt, in twenty years in Parliament he had never found him tripping. It is so with Yancey, and hence his opponent is bound to dodge issues. His mind indicates the cast of severe discipline. With adroit skill he masses points presented in the range of discussion, compresses them into a solid, radiant mass and hurls the whole with the strength of a giant, defying resistance and compelling conviction.

"I only regret Mr. Yancey cannot visit some of the doubtful States of the West."

Union Town was a post office village at the intersection of four great plantation counties—Perry, Dallas, Marengo and Greene. Cane and timber had long since given way to an endless succession of tilled fields, the rich surface preserving the noble configuration of the mighty waves of the retiring waters, which, upheaved by volcanic action, had passed southward to the Gulf. Plantations, joined by broad highways, possessed, each, a name—"Waldwic," "Norwood," "Athol," "Faunsdale"—and were adorned each by a village of happy blacks, at the head of which sat the abode of the master and his family. In divisions of the area, were neighborhood schools and churches, and on every plantation there was a fixed place of worship for the blacks of that place, supplied by a white minister at the master's expense. In the years of

which this narrative now treats, some handsome chapels of Gothic architecture, with stained glass windows, had been erected and consecrated, at the expense of individual masters, for the religious use of their *negroes*--for the African was never, in the South, termed a slave. Union Town was the centre of the most refined and wealthy planting population of the State. There unparalleled preparations were made to receive Mr. Yancey, as he journeyed southward from Talladega. A "protracted" barbecue was ordered to continue three days, with speaking both night and day. Orators from all parts of the State appeared--Senator C. C. Clay, Jr., from Huntsville, W. M. Brooks, A. B. Moore, G. D. Johnston, from Marion, Whelan, from Greensboro, Lyon and McCaa, from Demopolis, and many others. The community, for miles in every direction, was animated with the spirit of the occasion. Elegant private equipages carried the wives and daughters of the planters to the ground in the morning, to return in the evening laden with visiting friends for the night, the spacious mansions filled with company, merry with feasting, music and the dance. Mr. Yancey appeared on the last day. The speaker's stand was a wide stage, built of rough boards, erected at the foot of a densely shaded slope, the ascent an amphitheatre lined with rows of benches. Probably two thousand ladies and gentlemen filled the seats, while hundreds of well-dressed black coachmen and servants stood intently listening on the border--"the best audience I ever addressed," said the orator, years afterward. The speech is remembered to this day by many survivors and referred to with excited emotions, as like unto no other speech from any speaker, there or elsewhere. The orator came forward, wearing a smile, with no apparent consciousness of his own importance and with that air of good breeding with which a gentleman would greet a private company. Standing erect, he pronounced with accustomed fluency and solemnity, distinctly heard upon the outer line of the crowd, the few sentences of the exordium, which stated, as usual with him, the subject he would discuss. The speech was more than three hours long. To attack Fillmore was to attack Fremont, he said. The State councils of the American party in the free States had renounced Mr. Fillmore and ratified the platform, while the State councils of the slave



States had repudiated the platform and accepted Fillmore. The mind of the American party in the canvass was like the mind of the immigrant Irishman, who set about adopting America without renouncing Ireland. He taught his children to sing, "Erin go, e pluribus, bragh unum." His friend, Mr. Hilliard, was a well informed statesman and well knew that there had been a great deal of discussion among our forefathers concerning not only the fact of Union, but the kind of Union the States should make. Now, however, Mr. Hilliard was for any kind of Union that would hold together. The orator believed the particular kind of Union adopted was for posterity, and he hoped posterity would not so disgrace its lineage as to accept less than its inheritance. Mr. Hilliard's embarrassing position, in the American party, he likened to one of General Marion's troopers, who, riding alone up to a ford, suddenly faced four men on the other side with cocked rifles. "What side are you on?" they cried out. "Well, gentlemen, as you are in the majority, what side are you on?" returned the scout. Through the hours the most intense interest was arrested and, ever and anon, the whole audience burst forth in long and vehement applause. I resided in the vicinage and witnessed the scene, and, as I well remember it, the orator stood with his right hand resting loosely on a table at his side, without reference to his scrap book lying before him, gesturing occasionally with his left hand, and without moving a yard's space, until in the peroration as presently described. There was a visible suppression of feeling, a curbing of force latent in the man, there was the music of the voice, all combined to guide the arrows of his speech, "which took fire as they flew." The contrast between the records of Mr. Buchanan and Mr. Fillmore, on Southern issues, had been graphically drawn; Pennsylvania had been held up as the "color company" of the Democratic column, advancing to the decisive shock of the conflict. Mr. Buchanan was in the lead of Pennsylvania, in person, like McDonald at Wagram. The battle field loomed up to view; banners waved before men's eyes; bloody gaps in the advancing column opened and the very notes of the martial music seemed audible. Now, the orator, firm and erect, his countenance stern, stood upon the edge of the stage; McDonald, seeing his line disordered by the



impetus of the charge, rushed to the front, crying out in thunder tones: "Keep time, my men!" "Keep time!" A wilder frenzy could not be conceived than the audience fell into. Men leaped upon their seats and threw their hats and waved their canes, while the ladies were overcome with excitement. The orator resumed his seat, his work was over, while yet the confusion reigned supreme. There were some interesting after scenes. The ladies sent a huge bouquet of fresh and rare flowers to the orator, and this evidence of their feeling manifestly excited him more than any event of the day. His face blanched, as he received it and listened to the presentation speech of Mr. Whelan, so filled with the sentiments of the donors. Now the sun was falling low, but a portly elder of the church, of Dallas, made his way to the steps of the stage. Resting there, he began to unburden himself in words. He had always been a Whig; he had set out from home, forty miles away, a Fillmore man. He had been converted by Mr. Yancey's speech; he was sure many others had honestly undergone a change of mind and he would invite all such to come forward, bravely, and give him their right hands. In response, a wealthy planter, of Marengo, once a Whig member of the Legislature, took the stand to confess his conversion. Mr. Yancey advanced, in excellent mood, and invited all present, who were in favor of Buchanan, to rise. The audience, *en masse*, rose. To be just to all, he said, those in favor of Fillmore were called on to rise. The lone figure of a matron, tall and composed, stood up. "Madam, you have courage enough to fight the Indians!" ejaculated Yancey, with graceful bow to her. "My father fought them, sir," was the quiet reply.

The next day, Mr. Yancey spoke at Selma, where a Democratic party committee presented him with a handsome silver service. He spoke at different points in Georgia, during the campaign. Writing from Atlanta, August 28, he corrected a misrepresentation in the report that he had avoided a meeting with B. H. Hill, an American party elector for Georgia. Mr. Hill had published a card explaining why he could not meet Toombs and Stephens, in debate, at Appling. He was under a previous engagement to meet Yancey, at West Point. Yancey explained that hand bills had been

posted by the American party of Georgia, and no one else, engaging him to meet Hill, at West Point, without his knowledge or consent, and without any previous or after communication with him, and in face of his long published appointments, one of which required him to appear at Jacksonville, Alabama, that very day. By mere accident, his eye had caught, in passing, on the cars, one of the hand bills. Whatever appointment he might have been willing to accept, for August 30, he would be unable to meet on account of the physical prostration he was then laboring under. He had an engagement, for September 3, which he hoped to be able to fill. "As doubtless there will be much boasting if I am not at West Point, (he wrote to the editor) I desire to post you as to the facts." The American party press in Alabama published a sensational report that Yancey had "backed down" from a joint canvass of the northern counties with Colonel Jere Clemens. Yancey replied, that his long list of published appointments, for those counties, invited debate, but he anticipated debate on the usual terms. The Americans proposed to follow him around with fresh speakers from point to point. To such an arrangement he would consent, but would claim the right of closing, everywhere. If Colonel Clemens, or any one speaker, would debate through his list of appointments, he would claim only the right to close the alternate days, tho' it was customary to accede to the speaker making the appointments the invariable right of closing.

Mr. Howell Cobb, of Georgia, set out to canvass Pennsylvania, for Buchanan and Breckenridge. He declared to friends in Atlanta, on his way North, that, if Fremont was chosen President, it would become incumbent on Georgia to redeem the pledges of the Georgia Platform, and that he would hasten home, in that event, to take the stump for immediate secession. The leaders of Georgia were generally committed to the same view. In September, Mr. Herschel V. Johnson wrote to the Philadelphia *North American*, declaring the election of Fremont would "drive the Southern States to dissolution. \* \* If he redeems his pledges to his party, and his party redeem their pledges to the country, it will not be in the power of human wisdom to save the Union."

Buchanan and Breckenridge won the empty title to the offices to which they aspired. The combined popular vote for Fremont and Fillmore exceeded the popular vote for Buchanan for President, 377,629. The vote was, plainly, sectional. All States, South of the Potomac and Ohio, voted for Buchanan and Breckenridge. Eleven States, all free States, voted for Fremont, increasing the Abolition vote of 156,149 for Hale, in 1852, to 1,341,264, in 1856. Maryland alone cast its electoral vote for Fremont and Donelson. It was a misfortune to the South that the hurrying collision of the sections was not joined by the election of Fremont. He had not the ability to consummate the conquest of one section by the other. From the conflict that must have ensued, a speedier termination, less disastrous to life, liberty and property, would, probably, have followed, than was destined to be endured, under quick coming conditions. Great was the rejoicing of the Republicans. The revolution had advanced far enough to make sure of their speedy success. The ultimate leader was yet undiscovered, but never before in the history of parties, had an organization, so numerous and so animated by one impulse, been so quickly prepared. Their committee at Washington promptly published an "Address to the Republicans of the United States." The significance of the document is the more readily understood since there were no "Republicans," save in the free States:

"A sudden gathering together of the people, (it proclaimed) alarmed at the inroads of the slave power, rather than a well organized party, with but a few months to attend to the complicated details of party warfare \* \* have triumphed in eleven, if not twelve States, pre-eminent for enterprise and general intelligence, and containing one-half of the population of the whole country, and this day control the governments of fourteen of the most powerful States of this Union.

\* \* What then is the duty before us? Organization, vigilance, action; action on the rostrum, through the press, at the ballot box; in State, county, city and town elections; everywhere, at all times; in every election making Republicanism, or loyalty to its policies, the sole political test."

To make Mr. Yancey President of the University of Alabama, to make him Senator, to demand a cabinet position for him, were among the outcries of many of the press of

the State at the close of the campaign. There were voices however, from the people, and from the more prudent editors which declared: "We doubt if he would accept the Presidency; he is the leader of the people; like the old Warwick, he is king-maker." The electoral college of Alabama, meeting to cast the votes of the State, unanimously recommended him for a cabinet portfolio. He promptly interdicted any steps toward promoting the resolution.

The campaign of 1856 virtually closed the life of the party founded by Jefferson, on the principles laid down in the Kentucky resolutions. Divided America was henceforward to be ruled by the strongest numerical division. The Constitutional argument was to face the sword.

## **CHAPTER 17.**

### **The Broken Party.**

1857-1858.

Mr. Douglas had no reproach for himself, in that the slave States had refused to accept his device for securing their active support in his dernier resort for saving the free States from themselves; Mr. Yancey was well content, in that the campaign had been educational of the slave States up to a unity of sentiment and purpose to protect themselves never before reached by them. There was no room for mistaking the temper of the sections, as discovered in the practical teaching of the only remaining party with both a Northern and a Southern constituency. Squatter sovereignty had been universally taught by campaign orators, in the free States, as the genius of the Cincinnati platform, and was everywhere condemned, in the slave States, from the letter of the same platform. Howell Cobb's speeches, in Pennsylvania, were plain interpretations of the platform, as Douglas taught it. Had Fremont been elected, the Georgia Platform would surely have been enforced in the slave States. Had not even a more fateful result, than Fremont's election, taken place in the success of the divided Democracy? The battle between Douglas and Yancey was on, beyond recall, to be fought to the end without terms. It was an interesting incident that the warm personal attachment of the men to each other reflected the congeniality of the character of the Northern leader with the Southern mind. All Southern men were instinctively drawn

to him. He was brave, honest, resourceful. Had Douglas needed the evidence of the one and a third million votes, cast for Fremont, to convince him that the Democratic party, on a platform demanded by the South, would lose the North? Did he need the exhibition of fanaticism portrayed in the campaign by the leaders of the Republican party to convince him of the extreme peril of liberty in the North, under that party, and to urge him to one final, if desperate effort, to bring the West and the South together to save the whole North? The South was content, prosperous, hopeful. The existing order of internal things suited the people. Would they be led by the home leader, Yancey, or fly to the alienated leader, Douglas? The President, who had overcome Douglas in convention, was soon to fall beneath the superior tact and ability of his rival; the wedge driven in the party, at Cincinnati, was to be driven to burst it asunder, long before another convention could take up the trouble to adjust it. Of all the sacrifices of mind and heart, swept into the maelstrom of revolution, none counted for more, few for so much, as the sacrifice of Douglas. The situation was plain. To reconcile the West and save the whole North from revolution, whose end no man could foresee, Mr. Douglas demanded of the South to place in the common jeopardy, its own social and political existence. Mr. Yancey led the South to see the extravagance of the demand and, finally, to resist the devices laid to entrap it into acquiescence.

In less than sixty days after the Presidential election, of 1856, Chief Justice Roger B. Taney delivered, from the bench of the federal Supreme Court, a decree which forced the political parties of the country, and all factions of political parties, into their final attitude toward a Constitutional Union. Mr. Yancey lead public opinion at the South, in support of the political proposition, laid down by the decree; Mr. Douglas was in practical unison with the Republican party revolt against the political propositions laid down by the decree. In this Mr. Douglas finally separated himself from the Democracy of the South. With truth could it be said, Mr. Douglas realized, when the Dred Scott decree was promulgated, that the reconciliation of the divided Democracy, of 1856, was hopeless and the Northern wing must prevail in both sections, or merge into the ever expanding Republican party.

Dred Scott, held in slavery in Missouri, his wife and two children, slaves in the same State, came into court against their master, a citizen of New York, pleading the Ordinance of 1787, and the Missouri "compromise" enacting the parallel  $36^{\circ} 30'$  as a geographical limitation of slavery, and claiming their freedom under these acts. The father and mother, many years previous to bringing action, had been carried by their master, or masters, into the territory declared free by the acts of Congress cited, and their children had been born on territory so declared free. The family were, without interruption, retained in the service of their master, or masters, nevertheless, and having been finally carried, without compulsion, to Missouri, a slave State, and there sold to the defendant in court, now appeared against him, claiming the benefit of the federal laws as against his alleged rights of property in their labor. The decree excited extraordinary interest, partly because it was in reversal of decrees of several State courts, pronounced at various times, covering a period of more than half a century. Aspasia was born of a slave mother in the Territory of Illinois, after the passage of the Ordinance of 1787. She was carried to Missouri, and there brought suit for her freedom, pleading the Ordinance of 1787, in force at the place of her birth. The Supreme Court of Missouri adjudged her free. Lydia, born a slave in Kentucky, was carried, about the year 1802, to Ohio, held in bondage there, sold to Todd, of Kentucky, and taken back to that State as his property. In a suit brought for her freedom, under the Ordinance of 1787, in force in Ohio, where she had resided, the Supreme Court of Kentucky adjudged her free. The Supreme Court of Mississippi held, in the early years of the nineteenth century (Walker's Rep.), "slavery is condemned by reason and the law of nature"; the Supreme Court of Louisiana held, in the same period (Martin's Rep.), "the right of the master exists, not by force of the law of nature or of nations, but by virtue only of the positive law." In the same line, the Supreme Court of the United States held, in *Prigg vs. the Commonwealth of Pennsylvania*, "the state of slavery is held to be a municipal regulation, founded upon and limited to the range of the territorial law." The Dred Scott decree, in a

season of great political agitation following the repeal of the Missouri "compromise" line, reversed all previous decrees which recognized the validity of acts of Congress restricting slavery. The Ordinance of 1787 and the act of 1820 establishing the line  $36^{\circ} 30'$ , were declared null and void for unconstitutionality. The decree set forth the history of the African race in the United States, under federal cognizance, showing that it was not included, nor intended to be included, in the benefits of the Declaration of Independence or the Constitution. Territorial law was not necessary to make the negro a slave, and Congress could not emancipate him nor make him a citizen; nor could any State give freedom to a slave found temporarily resident in its bounds. In one of his speeches in the Southern Commercial Convention, of which more explicit mention will be made presently, Mr. Yancey expressed the intelligence of the people of the cotton States, at least, on the question of the Dred Scott decree. He said:

"I allude to Monroe—a name that Virginia honors, that the whole country honors. Therefore James Monroe will suit my purpose just as well as Thomas Jefferson in answering the expression of admiring wonder that any man in America should have the hardihood to think that Virginia statesmen of the olden day should sign a discriminating and dishonoring law. This Virginia statesman had done that very thing. Mr. Monroe signed the Missouri compromise act. And yet is there from Virginia a man who will rise in his place here and say that that was not a law that discriminated against the South, against our Constitutional rights; took from us more than one-half of that rich inheritance from our sires in land; that also put a brand of Cain upon Southern men as an unequal and inferior race that should not pollute the soil, north of the line there fixed, by their nefarious institutions? None will do that. Then my friend, who, in his vehemence of passion, permitted it to take the helm, while justice and reason slept, has lost all the force of his argument. Thus in the same spirit in which I did this morning, I must be allowed to allude to great historical facts, even if Virginia is interested, without being accused of any desire, design, or wish to disparage Virginia of this day. If I am to be cut off from alluding to the acts of Virginia statesmen, I might as well close this



argument, because I tell you, my friends of Virginia, that the history of Virginia is the history of my country.

“What becomes, then, of those clanical memories of that heroic age in which my venerable friend from Monroe county (Mr. Scott), and my eloquent friend from Virginia (Mr. Preston), hedged themselves in their argument against what I had urged upon this Convention? It vanishes. The gentleman from Georgia (Mr. Hunter), who addressed you last night, whom I have not the privilege of calling friend, but I know I may rest upon a political friend, undertook to bear down with a tremendous moral power against my position, because no Southern statesman had been found bold enough to attack these discriminating laws, hedged in as they were by the clanical memories of Virginia statesmen. My friend from Virginia, who had more passion than the calm and moderate gentleman from Georgia, endeavored to invoke in his name the higher authority of the venerated statesman of South Carolina, who rarely, if ever, erred on a question of Northern rights—not because that venerated statesman had more of intellect and patriotism than those distinguished dead of Virginia, who honor now that living and aged mother; but because, in the progress of time, the developments of reason and of the scientific world, of agriculture and commerce, in the explorations which have been made in the boundless heavens, the ray of light which Maury has enabled us to take far down into the hitherto dark depths of the sea; in the illustrations of the mysteries of the atmosphere—because at this age instructed with new ideas, progressing in science, agriculture, astronomy, navigation, and political economy, far beyond the classical and heroic age of old Virginia, so well and so justly eulogized by its eloquent representative this morning; because at this day we are a better judge of our interests now than could have been the sagacious and patriotic dead of fifty and sixty years ago. Is not that true?

“Mr. Jones (of Georgia)—Every word of it.

“Mr. Yancey—Every word of it, the gentleman says. And I have no doubt the very embodiment of Young America who sits before me (Mr. Pryor) says that in a large degree it is so.

“Mr. Pryor—I must protest that no man in Virginia of this day arrogates to her a higher name in statesmanship than

Thomas Jefferson, or of patriotism than George Washington.

“ Mr. Yancey—Now, will not my friend acknowledge that Thomas Jefferson was mistaken in the political ethics he maintained in regard to slavery ?

“ Mr. Pryor—That is not the question before the convention.

“ Would he now say that Mr. Jefferson, in his political ethics on slavery, was right ? He cannot say so. Mr. Jefferson thought it would weaken the South, and therefore he was for the entire prohibition of the slave trade. The distinguished, venerable, practical, and philosophical gentleman from Virginia (Mr. Ruffin), who has never essayed statesmanship in the councils of his country, knows full well, and every gentleman from Virginia knows, that Mr. Jefferson was wrong in his ideas about slavery. I need not expatiate upon that subject, because it is a matter of history, known to everybody. If that was the fact, there was among the framers of the Constitution, who were true to us in all the interests of the white man, a sentiment in relation to slavery that is not entertained now.


“ Mr. Pryor—That is true.

“ Mr. Yancey—That is all I ask. Then I say that the old fogies of that day entertained opinions in relation to slavery, which we of this day are unanimously agreed were not sound. And Mr. Monroe, in signing that Missouri compromise, which the Supreme Court of the United States, under the influence of Young America, and the ideas which have sprung up within a few years past, in that great decision which my friend from Monroe county (Mr. Scott) so properly eulogized, have declared that those old sentiments were wrong ; that Mr. Monroe was wrong ; and therefore when that Virginia statesman put his name to that Missouri compromise, he put his name to a law which that decision has said was a law which made us unequal in the Union, and therefore was unconstitutional. Am I not right ? Then do not let me hear anything more about the fact that nobody has proposed the repeal of the laws in relation to the slave trade until two years past.

“ Old Jewishdom, the favorite people of God, had existed for centuries under a law higher than our own, the direct, palpable, personal supervision of the Almighty from Mount Sinai, through laws written on stone and brought down by

Moses to the Jewish camp, and promulgated to the religious world of that day. It was the will of God that that dispensation should be the law. It was the law for centuries, and he who disputed it was sacrificed upon the cross. There finally came a day, as enlightened Christendom has come to the South, when a child was heard in one of the synagogues that were in Jerusalem, disputing the truths of the old dispensation, and he announced to the world that a new dispensation was commencing, and the old fogies of that day, the Pharisees, the chief priests sought out that child in order to crucify him, which they finally carried into execution. But before his advent, another man came into the world. The Pharisees said he was a man of very immature judgment and opinion, and by another slip of the tongue they pronounced that he was a very verdant young man. He did not go clothed in purple and fine linen, taking his place at the highest seat in the synagogue. He had no name distinguished in the heroic age of Jewdom. The simple name he bore was John; his clothing was camel's hair, and he was girded about the loins with a leathern girdle.

"The temple in which he worshipped was not the gorgeous work of genius, but was simply the forest in which roamed the beasts of the field that any man might hunt with impunity. We are told that a message passed between him and this young Jew who appeared in the synagogues disputing with the doctors. What was that message? It astonished the chief priests—those who kept the parchments and records of Jewry. It was a simple one; but how grand in its import and simplicity! How high and deep its truth, which even babes could comprehend! The message was not addressed to the wise men, the chief priests, the rabbies, and the cultivated intellect of Jewdom, but to the babes and poor men of Jewry. What was it? 'The lame are made to walk, the blind are made to see, the leper is cleansed, and the poor'—not the rich and mighty—'have the gospel preached unto them.' It was a new idea and broke like a thunder-clap over old fogydom of that time. The priests and rabbies met together, and said, here is a man speaking treason and blasphemy against Almighty God; for is it not written in our old records that there is but one God, and thou shalt worship Him; but this young man,



who is poor and a beggar, is proclaiming that there are three Gods."

Mr. Buchanan assumed the Presidency a few weeks after the publication of the Dred Scott decree. His administration began amidst the convulsions of public feeling in the free States, moved by the pronouncement of the Court. He determined to accept the interpretation of the tribunal, conflicting as it was with his own consistent support of the Missouri "compromise." General Cass, his Secretary of State, readily and openly surrendered his favorite doctrine of squatter sovereignty. Far different was the feeling of Mr. Douglas toward the memorable pronouncement of the Court. Should he accept it, his faithful endeavor to create a party to unite the West and the South, on the doctrine of squatter sovereignty, must terminate suddenly and ingloriously. He saw in the decree the opportunity of the Republican party to add to its argument for revolution. With masterly decision he resolved to meet it in an effort to explain away the decree with the tricks of the lawyer. The Court had decided Congress could not exclude slavery from a Territory, but, he said, it had not decided a Territorial Legislature, created by Congress, could not regulate the institution! Frank as had been the acceptance of the President, of the decree, when it came to be his duty to appoint a Governor of Kansas, whose political local influence must be great, he selected a man of Northern birth, friendly to the cause of Douglas. The President's line of conduct, indeed, was not in harmony with the spirit of the act, dividing Kansas from Nebraska, for the purpose of preserving the balance of the sections in Congress; nor in acknowledgment of the choice the Cincinnati Convention had made, between the candidates before it, at the instance of the South. President Pierce had offended the South by appointing Northern born, rather than Southern born Governors over the presumptively Southern Territory. President Buchanan, elected on the distinct issue of the Nebraska-Kansas act, founded on the principle of non-interference, began to interfere at the earliest moment, by implication, with the political affairs of the Territory preparing to become a State. Robert J. Walker was the Governor chosen. An act had been passed by Congress to

authorize the Legislature of Kansas to call a Convention to frame a State Constitution. Governor Walker wrote, in Washington, the message he intended to deliver to that Legislature, and, by permission, read it before the President and his Cabinet for further instructions. The Governor's message notified the Legislature that it would be the policy of the Administration to have the new Constitution, to be framed by the sovereign Convention, submitted to the people for ratification. The policy was obviously against the interest of peace, in the case of Kansas, and also in conflict with the most ancient and best established precedents in the States. It involved delay when expedition was imperative. The policy indicated had not been adopted in the example of the last State admitted, California. The federal government could not more rightfully intervene to determine the province of the Convention lawfully called, than it could assume to decide upon the character of the Constitution. Congress had exercised its last prerogative in endowing the people of Kansas with authority to frame an organic law. Governor Walker issued his Proclamation, summoning the Constitutional Convention to meet at LeCompton. Without any authority in law, the colonists of the Anti-Slavery and Emigrant Aid Societies had established a government under "Governor" Robinson, at Topeka, and had gone through the form, twice, of submitting a "Constitution" to the popular suffrages. This revolutionary element refused to recognize the President of the United States, or to pay any respect to the Proclamation of Governor Walker. "It has pleased the Administration to regard our whole proceeding as revolutionary," declared a public utterance of Robinson. Colonel Sumner, of the army, commanded a sufficient number of troops in the Territory to preserve tolerable order while Governor Walker proceeded with his program. Mr. Calhoun presided over the LeCompton Convention. A Constitution was framed tolerating slavery, and, so much of it as referred to that institution, was submitted to the vote of the people. The vote was taken, on this provision, December 21, 1857 — the tickets being printed "Constitution with Slavery" and "Constitution with no Slavery." Governor Walker declared "Constitution with Slavery," adopted. Everything, so far as the

legal government was concerned, was conducted in good order, and every impediment to order which the Robinson government, or the Republican party, in and out of Congress, could invent, was intruded. A general election was ordered, by the Constitutional government, for the first Monday in January. The election could be valid, only as it included the objects for which it was ordered — the choice of a member of Congress, a State Legislature, and certain other State officers. The revolutionists, however, who had refused to vote in December, on the ratification of the Constitution, and had then wilfully, by neglect, submitted to the ratification, by more than six thousand majority, now entered the contest, and prepared for the general election, of January, with tickets headed, "Against the LeCompton Constitution." The ballots so headed had attached the names of individuals for the various offices, which the election had been ordered to fill. Of these ballots 10,226 were certified by "Secretary and Acting Governor, J. W. Denver," an officer unknown to the law, and were sent forward by him with the "Topeka Constitution," to the chairman of the Senate Committee on Territories, Mr. Douglas. The President of the LeCompton Convention, Mr. Calhoun, forwarded to the President of the United States, the LeCompton Constitution, with the request that it be transmitted to Congress. It was now understood that Mr. Douglas had boldly taken sides with the revolutionists. After considerable delay, the President sent the LeCompton Constitution to Congress, on February 2, 1858, with a recommendation that the State, now in full organization, be admitted to the Union. Great excitement had prevailed throughout the country, in the period of the President's indecision as to what he would do with the LeCompton Constitution, and now that the message and the document were referred to Mr. Douglas' committee, excitement ran higher. Debate in both houses on the subject, in some aspect, continued in extreme bitterness three months, in course of which Mr. Douglas made the report of his committee, to which was attached the "Topeka Constitution." May 4, an act was passed to admit Kansas with the LeCompton Constitution, on "a fundamental condition precedent," that, by vote of the people, the new State would consent to certain dispositions of the public lands within its borders.

There was nothing in the LeCompton Constitution imposing upon Congress such a "condition precedent" to the admission of the State of Kansas. The LeCompton Convention had passed a simple Ordinance, claiming from Congress an unusually large area of public lands, for the benefit of the new State. California, when presenting her Constitution, had presented, also, an Ordinance, relating to the public lands, not acceptable to Congress, but the State was admitted regardless of the land ordinance, and the claim for lands was properly left open for future negotiation. The pretext now was sufficient. The friends of submission of the land proposition to the popular vote were foes to the admission of the State under its Constitution; those who desired to have a new Constitution, demanded this excuse to have one made. The State was excluded from the Union not because of any impediment in its organism, but merely because the sectional majority in Congress had found an opportunity to enforce, as in the original example of Missouri, the "great national policy" of enlarging the Union, by political communities created by itself, rather than by "States" admitted. The Legislature of Kansas, now in full possession of the revolutionists, called a Convention to meet at Wyandotte, in July, 1859, to frame another Constitution.

Upon the test vote in the Senate on the party question of accepting the LeCompton Constitution, and, impliedly, thus the Dred Scott decree, Messrs. Douglas, Stuart, from Michigan, and Broderick, from California, alone of Democrats, took sides with the Republicans. Accordingly, Mr. Douglas, so long in trying times identified with reform legislation, as chairman of the Senate Committee on Territories, was deposed from that position. His courage deserted him not for a moment. With ceaseless energy he held up to the country his resolve to unite the West and the South, to defeat the Republican party. The free States were never served, if in vain, by a more far seeing statesman than he. No statesman ever undertook a more conscientious or more impossible task.



## **CHAPTER 18.**

### **The People Consider.**

**1858-1859.**

Mr. Yancey's public life now became very active and important. The campaign of 1856 bore rich fruit in Alabama. The general elections of August, 1857, were carried by the State Rights party by increased majorities. Andrew B. Moore, a South Carolinian by birth and in political faith, was chosen Governor. Houston and Cobb, national Democrats, were, as usual, elected in the upper Districts, but in the remaining five Districts pronounced State Rights Democrats were chosen—Stallworth, from the First, Shorter, from the Second, Dowdell, from the Third, Sydenham Moore, from the Fourth, and J. L. M. Curry, from the Fifth. The delegation to the House was not only ardent in its Southern sympathies, but very capable in point of intellect. In the Montgomery District the contest was extremely close between Mr. Dowdell and Mr. Judge, one of the ablest of State Rights Whigs. Mr. Yancey assisted Dowdell, but Judge came within less than twenty votes of election. The resumption by Mr. Yancey of the leadership of the masses of his party, while apparently acquiesced in by them, in the progress of the campaigns of 1856 and 1857, was not received by some strong men as a final condition. There was a determined effort, set on foot in 1858, and continued, to overcome his control. Mr. John Forsyth, a gentleman of rare accomplishments and high ability, was the leader of the opposition. In the last year of the Pierce



Administration Mr. F. S. Lyon, of Demopolis, sat next the President at dinner at the Executive Mansion. The President remarked to Mr. Lyon that it would please him to appoint an Alabamian to the Mexican mission and requested to have the suggestion of a name from Mr. Lyon. The name of Mr. Forsyth, then the young editor of the *Mobile Register* and one of the most devoted of Yancey's followers, of 1851 and 1856, was given. Mr. Forsyth remained at the Mexican mission a year after Mr. Buchanan came into office. He resigned and returned in ill humor toward the Administration at the time the Kansas question separated Mr. Douglas from it. Forsyth and Douglas, congenial spirits, at once became fast friends. A perfect confidence, beautiful to witness, prevailed between the men. Both men turned against Yancey with a single purpose. A strong man, a leading Secessionist of 1851, joined them, Colonel John J. Seibles. Seibles put up, or had established for his control, a daily newspaper, at Montgomery, the *Confederation*, which, tho' less polished in its satire than the *Register*, was not less active and vehement in its opposition.

In the season of suspense in the public mind, relating to the course the President might pursue, in withholding or recommending the LeCompton Constitution, the hopes of the Southern people were revived in the promise of an outlet for their enterprise in the countries to the southward. The just and reasonable ground of their expectation will be discovered in the various opinions of the officers of the federal government, officially presented from an early time until now. The first annual message of President Fillmore, in 1850, said :

“ The company of citizens of the United States who have acquired from the State of Nicaragua the privilege of constructing a ship canal between the two oceans, through the territory of that State, have made progress in their preliminary arrangements. The treaty between the United States and Great Britain, of the 19th of April last, above referred to, being now in operation, it is to be hoped that the guarantees which it offers will be sufficient to secure the completion of the work with all practicable expedition. \* \* Citizens of the United States have undertaken the connection of the two oceans by means of a railroad across the Isthmus of Tehauntepec, under grants of the Mexican government to a citizen of that Republic. \* \* Negotiations are pending for the accomplishment of that object, and the hope is confidently entertained,” etc.

General William Walker, a citizen of the United States, friendly to Southern institutions, was President of Nicaragua when Captain Hiram Paulding, of the navy of the United States, stationed in the waters of the Gulf, sent an armed force on Nicaragua soil, captured Walker, after some fighting, destroyed his stores and camp equipage, and took him aboard the American man-of-war, where some officers of the British navy were already assembled approving the act. The prisoner was carried by sea to New York. The United States had no case against him, and the President, not offering to bring him to trial, and not even seeing him, ordered his discharge; but without any apology or reparation for Paulding's illegal act. The free States applauded Paulding; the slave States received Walker with open arms in his tour, explaining to the people his conduct in Nicaragua as he proceeded. The middle of January, 1858, he arrived at Montgomery. The Legislature took a recess to receive him and offered the use of the Hall of the House for the purpose. Walker spoke, followed by Elmore, Yancey and others. Passing on to Mobile, the distinguished soldier was received there with extraordinary honors. Resolutions passed a public meeting to employ counsel to prefer charges and specifications against Captain Paulding, to supply the neglected duty of the President. The morning after the Walker meeting at the Capitol the *Confederation* published a sarcastic criticism upon the tone of the speeches of some of the local orators, attacking Yancey's in pointed terms. "There is a plan to induce the Southern people to join the Free Soilers in breaking down the Administration," the editor proclaimed; tho' the course of the Administration on the vital issue of the day was then unknown. A few days later it declared: "Several of the speakers at the Walker meeting the other night joined the Know Nothings in denouncing the Administration." These editorial premonitions were followed by a circular issued from the *Confederation* office, carried about the Capitol and through the city, calling a public meeting "to sustain the Administration." The call for the indignation meeting, at the Capitol, was signed by some Democrats and refused by many. It was not offered for Mr. Yancey's endorsement, and when the names of the speakers were announced, in the newspapers, Yancey's was omitted, but

Hilliard, the head of the late Fillmore electoral ticket, was presented as the chief orator of the occasion. The circumstances prepared the public to expect extraordinary occurrences at the meeting. Colonel Seibles, of gigantic person, took a prominent seat upon the speaker's stand. Mr. Henry D. Clayton, then a young lawyer, later President of the University of Alabama, wrote the next day the following account of the meeting as it passed before his eyes :

" MONTGOMERY, January 28, 1858.

" \* \* \* \* \* Those who attended the Democratic meeting at the Capitol last night will never forget it. In order to appreciate what took place, a brief statement of facts becomes necessary. You remember that not long since, General William Walker, passing through this place to Mobile, was invited by citizens and members of the Legislature to deliver an address. His address was merely a plain, frank, and manly explanation of his relation to Nicaragua affairs. He spoke in a kindly, yet feeling manner, of the conduct of our government toward him. At about the close of the Walker meeting, Mr. Yancey was loudly called and delivered the speech you know he is always ready to make. Soon after this demonstration, complimentary to General Walker, a call appeared in the *Confederation* newspaper for a public meeting of Democrats, ostensibly to sustain Mr. Buchanan in the Le-Compton Constitution case, tho' as yet Mr. Buchanan has not sent that Constitution into Congress, with any recommendation at all. It was strongly suspected, when the call appeared, that the attending circumstances indicated the object to be, really, a movement of certain politicians to reprove Yancey. The meeting assembled, and was duly organized, and all incidents pointed to the completeness of the preparation—it was a regularly 'cut and dried' affair with the organizers. When the committee to draft resolutions had retired, nothing special being before the meeting, Mr. Yancey was called by one of the signers of the circular. He rose, in his place in the audience, and said, in a most cutting manner, he did not desire to force himself on the meeting—he did not wish to interfere with the program evidently prepared in advance; when the resolutions should come in, if the meeting desired to hear from him he would have no objections to say whether or not they met his approval.

" After awhile, the resolutions came in, showing in their abbreviated form, the ordeal to which the committee had subjected them. Expectation, which had been on tiptoe concerning them, was quieted. Then, Mr. Hilliard, being loudly called, took the stand, and made the graceful speech he always does; nothing extraordinary about it, but, I repeat, a very good speech. Mr. Hilliard spoke for three-fourths of an hour, I presume. Then broke forth the deafening, enthusiastic cry, " Yancey!" " Yancey!" He came; came like a man, conscious of right, should always come; came like a lion bearded in his den, conscious of his

strength, and fearing nothing. As with modesty, becoming a maiden of sixteen, he requested to be permitted to occupy the stand. "To the stand!" shouted an hundred voices. He walked forth like a giant, ready for combat. Bowing low, he began — here I must pause. I would despise my own presumption should I undertake further description of what followed. First, went the *Confederation* newspaper, once in existence, now a dream, a shadow of things that were, gone, glimmering, like a school boy's tale. At every blow some foe fell, broken in every bone. For just two hours this work of destruction proceeded amidst deafening shouts from the throats of what is admitted, on all sides, to have been at least two-thirds of the crowded house, called to put Yancey down! I know of nothing with which to compare the orator and scene. It was terrific! destructive! Never will it be possible for any one, not a witness to conceive one-half of what took place. Mr. Yancey's triumph was complete. His enemies, more dead than alive, crept away, and all this day were moping about the streets and hotels."

A newspaper editor, in a distant part of the State, who heard the speech, wrote, on his return home, for his paper:

"That speech was a Balaklava charge — no, the cavalry simile does not convey the correct idea. It was the burst of the hurricane, as we have it sometimes in these Southern latitudes, tearing, uprooting, demolishing, and scattering all in its path. Along its entire course was, and is, desolation. By the by, when the storm of Mr. Yancey's argument and invective did sometimes lull, a tinge of humor bordered the ferocious sarcasm, as a gleam of sunlight tints the edge of the thunder cloud with a soft violet hue. A specimen of this was the cruel jocularity which assigned Mr. Hilliard to the nursery of the Democratic family, 'a year old, still at the breast.' "

The Secretary of the meeting, Mr. William A. Gunter, remarking many years later upon the ventriloquial property of Mr. Yancey's voice, as displayed on this occasion, said, from his seat under the orator the notes seemed to issue, not from the lips, in the more vehement passages, but to resound through space, coming from the general direction of the orator's position. General Clayton, describing the occasion to me thirty years later, said it rose, at that moment, to his mental vision, as clearly as it did the next day after witnessing it.\*

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\*When, four years later, Yancey's political policies had triumphed, and the President of the Confederate States had it in his power to appoint Brigadier Generals, it was suggested to Mr. Yancey, a Senator, to recommend Colonel Seibles, then in the field, for promotion. He replied that he considered Seibles worthy of promotion, and that he would cheerfully endorse the application to the President, but that it was not probable that the long personal estrangement between Seibles and himself would ever be healed.

Mr. Yancey entered with ardor into the labor of his aunt and cousin, Mrs. and Miss Cunningham, to found the Mount Vernon Association, and probably no man gave so much valuable time to the prosecution of the work of the Association as he. He spoke at Mobile, at Huntsville, and numerous other places, covering a period of years, urging the people. One of the more notable of his addresses, in this line, was delivered at Richmond, Virginia, when he received evidences of the distinguished favor in which his efforts were held. Crawford's statue of Washington was unveiled, with great pageantry, at Richmond, Monday, February 22, 1858, under the auspices of the Mount Vernon Association. General Scott, commander of the army, Governors of Northern and Southern States, with many eminent persons from the two sections, were participants in the ceremonies. The initial ode was read by John R. Thompson, and the terminal ode by James Barron Hope. Governor Wise, R. M. T. Hunter, and Robert G. Scott delivered addresses. In the evening, Generals Scott, Persifer F. Smith, Harney, other officers of the army, Captain Magruder, and others of the navy, Governors and members of Congress, in all, a great company of eminent persons, in public and private life, sat down to a banquet prepared by the city of Richmond, in the new Custom House. The most honored of the company were Messrs. Everett and Yancey, citizens who had voluntarily relinquished public service. The intensity of political feeling of the times invaded the occasion. The post-prandial speeches, were, in effect, a debate between the sections represented at the board. Every speech bore the impress of the angry dispute then at its height on the floors of Congress, over the LeCompton Constitution. The Northern speakers waxed warm in asseveration of their devotion to the Union. All Southern speakers, except Messrs. Mason and Garnett, of Virginia, were with the Northern view, repeating the praises of "the glorious Union." Mr. W. C. Rives declared "the Union could be dissolved under no possible combination of circumstances." Mr. Garnett promptly replied, in an impassioned manner, denouncing all attempts to erect a consolidated government, and pledging himself "only to a Union of the Constitutional character." Governor Holley, of Connecticut, followed, "fairly turning to Mr. Garnett, and

lecturing him on his treason." Next, Mr. Yancey was introduced. He said :

" At the tomb of Washington are to be learned other lessons than the declaration we have heard that this government is not to be changed for light and transient causes. The mightiest, the clearest, the noblest political truth written upon the page of history emanates from the home and the tomb of Washington, and rises above, a pillar of cloud by day, and a pillar of fire by night, guiding and instructing all who live in this broad land. Aye, and it is written in the blue vault of the heavens that cover us, 'there must be no trampling down of the Constitutional rights of any section of this Union.' \* \* \* Virginia, thou mother of heroes and statesmen, whose fame fills the world, fail not in the hour of our country's need once more to furnish a saviour of our liberties. Sir, if my voice could be heard — feeble, humble and weak, but, I trust, fortified by truth — if it could be heard among the snow capped mountain tops of New England, it would exhort her sons to learn at the tomb of Washington that high sense of duty, that full recognition of the rights of others, that broadly defined self-denial in which the father of his country curbed his own passions and ambitions when they came in conflict with the interests of his country. And then, if that voice might have any influence with my brethren of the South it would be to exhort them, that if the sons of the North heed not the virtues of the father of his country, but, rather, choose to imitate the conduct of his foes, do you, too, as Washington and his compeers did, with firm reliance on Divine Providence pledge to each other your lives, fortunes and sacred honor in imitation of their illustrious example. 'If this be treason make the most of it.' " (Loud and long continued applause.)"

Tuesday morning the street in front of the theatre was crowded with people long before the doors were opened, who had come to witness fresh honors to be bestowed upon Mr. Everett and Mr. Yancey. On a table on the stage were placed relics of Washington—a walking cane, habitually used by him on the grounds at Mount Vernon, and the field-glass carried by him throughout his service in the revolutionary war. On one side of the stage sat the two orators, and on the other General Scott and other army officers of high rank, in full



uniform, several Governors, Senators, and gentlemen of distinguished position. Mr. Munford, the Secretary of the Commonwealth, addressing the orators, explained that the ladies of the Mount Vernon Association, knowing that these two friends of their endeavor had "made a pilgrimage from city to city, from State to State, *con amore*, and devoted their minds and energies to the cause, would not dare to offer them remuneration, save in their cordial thanks, yet desire to offer to each a testimonial which might not prove wholly unacceptable." The speaker related that the relics before him had been threatened with sale to the highest bidder, even when Washington had deemed them worthy of a special enumeration in his will. The ladies of the Association came forward and purchased them to save them from desecration. To Mr. Everett he had been ordered to present the cane, and to Mr. Yancey the field-glass. Addressing to each orator appropriate words, he said to Mr. Yancey: "Sir, as you ascend the ladder of fame and reach to its upper round, use this glass as the great man used it; and should you descry in the dim distance the approaches of the sappers and miners of the Constitution, let your eloquent voice be raised to rouse the people to a sense of the danger, that they may come, as they assuredly will, and rescue this government, the last hope of Republican liberty, from desecration and annihilation." Mr. Everett received the token assigned to him with marked emotions, speaking briefly in recitation of historical incidents and bringing tears to many eyes. He had delivered his Oration on Washington seventy times for the benefit of the ladies' Association, and, if need be, he would deliver it seven hundred and seventy times in the same cause. Weary of public life, he had voluntarily retired to devote himself, in part, to the pleasant task of assisting the Association. Mr. Yancey gave a brief account of the different ineffectual efforts to erect the national monument to Washington. In 1800, Congress resolved to inter his body at Washington City and to build a monument over it; in atonement of the neglect of Congress to act, a few citizens had organized a Monument Association to erect a marble shaft five hundred feet high, which, after many years labor, had reached only one hundred feet, and then stood with its summit capped with rough boards and the workmen's tools rusting away around

its base. A beautiful thought had entered the mind of a "daughter of Washington." It struck the popular heart. One of the great men of the land—"great as a statesman, one of the most refined and cultivated intellects in the world of letters, one of the most accomplished rhetoricians and one of the purest men in a land distinguished for Christianity"—Edward Everett—had declared that thought should bear a consummated endeavor. "Mount Vernon (he said) will become the holy shrine, within whose hallowed precincts, even in the event that this Union shall be shattered in the conflict of sectional aggression, citizens of its alienated fragments may still meet and, in the shadow of the tomb of the mighty dead, learn to sorrow for its destruction."\*

The temper of the sections toward each other had been well tried over the honors they had come to pay to Washington, and Mr. Yancey was more than ever persuaded that the ultimatum of the Georgia Platform would be speedily presented. The conference bill in Congress involving Kansas had received the sanction of Southern members; the bill was a practical abandonment of the Kansas question to the North; the President, chosen by Southern votes, had demanded this concession of the South to save the party in the North. How could the slave States be aroused and organized? An inquiry was put on foot concerning the reopening of the African slave trade, involving necessarily a wide discussion of Southern institutions and the hostile federal legislation which oppressed them. The Constitution prescribed, "the migration or importation" of such persons as the existing States then permitted should not be interfered with by Congress, "prior to" a date specified. It was well understood by the country that the phrases "migration" and "importation" referred to two different races of people, and referred, also, to the navigating States, in connection with the European race, whose "migration" was to be permitted, and to the agricultural States, in connection with the dark race of savage slaves, whose "importation" was not to be disturbed. In 1807 Congress passed a law making the "importation" of Africans a misdemeanor, after January,

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\*The field-glass of Washington presented on this occasion to Mr. Yancey was presented by him, three years later, to Jefferson Davis, immediately after his inauguration as Provisional President of the Confederate States. It was confined in a plain wooden box lined with green baize, as Washington left it.



1808, and in 1819, yielding to New England and old England, passed a law declaring such "importation" piracy. Meantime, from the beginning of the government, the "migration" of persons had been greatly encouraged by its acts. The act of 1819 even forbid citizens of the United States, under heavy penalties, engaging in the slave trade between Guinea and the West Indies or South America. In 1856 Fremont lacked only the vote of Pennsylvania to elevate him to the Presidency, on a policy of extinction of domestic slavery in the States. What security had the social fabric of the slave States against violence, from the free States, of the most disastrous character? The question of reopening the African slave trade was both attractive and intricate. Not a handful of men in the slave States could be found to advocate the measure, yet there was a quickened appreciation of the significance of the augmenting competition of the Mississippi Valley cotton States with the Atlantic States for the employment of African labor. While Governor Adams had not been able to prevail with the Legislature of South Carolina to adopt measures of encouragement of the African slave trade, the Legislature of Louisiana, about the same time, had utterly refused even to consider the question. Of all slave States, these two might have been supposed to be impressed with the nature of such advice as the advocates of the trade advanced. Sporadic violations of the federal statute, prohibiting the slave trade, brought the general subject into the halls of Congress and required the Courts to pass upon the Constitutionality of the laws. Justice Campbell, of the federal Supreme Court, a Southern born man, trying such cases in the Gulf States, was extremely pronounced in defending the Constitutionality of the offended laws. The debates in Congress proved that very few members favored the trade, if any. When a bill to appropriate \$75,000 to return a cargo of Africans to their native land, from the United States, came up in the House, Representative James B. Clay, from Kentucky, said :

"I am opposed to all these laws on our statute book, in relation to the slave trade, and I will not vote a dollar under the bill. I am especially opposed to the 8th Article of the Treaty of Washington. I regard it as an entangling alliance with Great Britain. I regard it as an alliance so entangling that last year it produced all those outrages on

our flag that occurred in the Gulf of Mexico, and it is producing, every day, outrages on our flag off the coast of Africa. It is an entangling alliance, that requires us to keep, constantly, a force of eighty guns off the coast of Africa."

Mr. Miles, of the same branch of Congress, from South Carolina, said:

"I am not prepared to advocate the re-opening of the African slave trade, but I am prepared to advocate with all my mind and strength the sweeping away from our statute books, laws which stamp the people of my section as pirates, and put a stigma upon their institutions."

Mr. Jefferson Davis, of the Senate, discussing the bill, said:

"If consideration of public safety or interest warranted the termination of the trade, they could not justify the government in branding as infamous the source from which the chief part of the laboring population of the South was derived. It is this feature of the law which makes it offensive to us, and stimulates us to strive for its repeal. What, let us ask, has been the result of this law? It has magnified the horrors of the middle passage; it has led to an alliance with Great Britain, by which we are bound to keep a squadron on the deadly coast of Africa, where American sailors are sacrificed to a false policy, under the plea of humanity; it has destroyed a lucrative trade for ivory, oil and gold dust, which our merchants had long conducted with the inhabitants of the coast, and transferred it to our commercial rivals, the British."

The New York *Herald*, of October 11, 1860, reported forty-one vessels fitted out in the ports of the free States to engage in the slave trade, principally with Cuba and Brazil, and with the connivance of Great Britain. It is believed not exceeding five hundred Africans were landed in the Southern States in this period of revival of the trade. It is not a little remarkable that after hostilities had begun between the Northern and Southern Confederacies, in 1861, a Lieutenant of the United States navy, of Southern birth and sympathies, not knowing of the prevalence of war, seized, off the coast of Africa, a slaver, commanded by a New Englander. The commander of the slaver was brought to New York, sent thence to New England, speedily tried, and, under the sectional excitement of the time, quickly executed—the first example of the vengeance of the law. The Lieutenant, making the capture, made his way to the Confederate States and entered its service.

An organization, called the Southern Commercial Convention, was the most important of the educational influences which the more advanced leaders of the slave States had now put in motion. "It is true (said the report of a Committee on Commerce, of the Alabama Legislature, of 1851-2,) there is now no open war of arms against us, yet it requires no prophet to see, in the present natural course of events, gradually growing up one, amongst the most bloody wars recorded in the pages of history. \* \* We have it in our power, if we will seize at once the favorable opportunity (direct trade with Europe), of gaining a great political victory; not by the shedding of brothers' blood, as Washington and his co-patriots were compelled to do, in order to secure political liberty, but by a commercial and manufacturing revolution which, instead of burdening us with heavy taxes, will annually advance our aggregate wealth by many millions." Such was the policy of sectional retaliation and, upon the public credulity so entranced, the scheme of the Southern Commercial Convention came into life. Mr. Yancey, as has already been stated, did not, for an instant, repose in confidence upon sectional retaliation in commercial restrictions, for the redress of Southern wrongs or for security in the future. The Convention met at Knoxville, in 1857, and appointed the city of Montgomery and the month of May, 1858, as place and time for the next meeting. Mr. Yancey was now thoroughly restored to political life. He looked forward to the meeting of the Convention with great satisfaction. He had longed for a time to express his mind. He wrote to Mr. Rhett, soliciting his presence, and he took other steps to arouse the leaders of the State Rights faith to the importance of the opportunity. The city government of Montgomery, as usual on great occasions, appointed him to welcome its guests, the delegates. He said:

"I must be allowed, at least on my own behalf, to welcome you, too, as but the foreshadowing of that far more important body, important as you evidently will be, that, if injustice and wrong shall continue to rule the hour and the councils of the dominant section of this country, must, ere long, assemble upon Southern soil for the purpose of devising some measures by which not only your industrial, but your social and political relations shall be placed upon the basis of an independent

sovereignty, which will have within itself a unity of climate, a unity of soil, a unity of production, and a unity of social relations; that unity which alone can be the basis of a successful and permanent government." "(Loud applause.)"

Delegates were present by hundreds and visitors by thousands, the best men that towns and counties from many States could select or produce, men of no given party, but of all parties. It was discovered that no hall in the city could contain them. An immense cotton warehouse—a floorless space, surrounded by a thick brick wall over which a roof was stretched, lighted from a great court—was prepared. The body was organized by the choice of Andrew Pickens Calhoun, now returned to South Carolina to live, as President, and P. D. Page, a young Alabamian, as Secretary, with the customary auxiliary officers. A young cotton planter, then residing at Montgomery, a Whig bitterly opposed to Mr. Yancey, a member of a large family identified for generations with Whig politics, wrote a letter to me, in the thirtieth year after the events described, which expresses, feelingly, the general accounts which survived of the Convention. "Each delegation was assigned to a certain space (said the letter), every arrangement was orderly, and I have never seen so large a Convention, nor one which was so dignified and imposing. I am sure I never saw so many great men under one roof. The object of the meeting, as was supposed, was to promote direct trade between the ports of the cotton States and Europe. But Mr. Yancey immediately turned it into a secession convention. I can never forget the wonderful mastery displayed by Yancey over that great body of men. I believe there is nothing in history with which to compare it. Five courts were in session at Montgomery, and he was full of practice. He was not much in the Convention in the first day's session, as I remember. He came the second day. If he did not speak two days, with only intermission for dinner, my memory fails me. He opened in reply to Mr. Pryor, of Virginia. I remember nothing but Yancey for two days. He began with such a torrent of eloquence—such a Niagara, so to speak—that I took for granted he must abate before he got through, but when the evening came and a motion was made to adjourn, the house cried out from every quarter, 'go on,' 'go on.' He continued

ten minutes, and then gracefully retiring, said : ‘ Gentlemen, it is not the humble individual before you who commands your plaudits, it is the great truths he strives to impress on your minds.’ ” The correspondent, Captain O’Hara, of the *Mobile Register*, a paper unfriendly to the orator, wrote that having heard the great American orators, who had lived since 1340, he regarded Mr. Yancey “as decidedly the most eloquent and able speaker I ever listened to.”

The Knoxville meeting had appointed a committee to report on the policy of reopening the African slave trade. Mr. L. W. Spratt, of Charleston, was chairman, Yancey and Roger A. Pryor were members. An exhaustive report was submitted, at the opening of the Montgomery meeting, but it seems to have been prepared by Mr. Spratt with little assistance from other members. Neither Pryor or Yancey knew of its contents until it was read to the Convention. The propositions elaborated were :

“(1.) Slavery is right and, being right, there can be no wrong in the natural means to its formation.

“(2.) It is expedient and proper that the Foreign Slave Trade shall be reopened, and this Convention will lend its influence to any legitimate means to that end.

“(3.) A committee consisting of one from each slave State shall be appointed to consider of the means consistent with the duty and obligations of these States for reopening the Foreign Slave Trade, and that they report their plan to the next meeting of this Convention.”

Mr. Pryor asked for postponement of consideration of the report until the following day. The next day he delivered a very interesting argument, of two hours, in opposition to its recommendations. Mr. Yancey offered a substitute, which his letter to Orme, found in this Chapter, explains. The debate was confined throughout the time of the Convention to the general question raised by Spratt’s report—Hilliard and Scott, of Alabama, Pryor and William Ballard Preston, of Virginia, contending with Yancey. Others spoke, and spoke well, but the spirit of the great debate was found in the words of these. It was ever Yancey’s pleasure to be interrogated by opponents in course of his arguments. He sometimes even compelled interruptions of himself and the asking of questions. Mr. Jones, of Georgia, and Mr. Pryor, of Virginia, both interrupted him, and in midst of the colloquy the chairman—Mr. Mark A. Cooper

presiding—objected to the proceeding, although nothing but good humor prevailed. *The Chair*: “The chair does not consider it in order to carry on question and answer in this way.” *Mr. Yancey*: “No discussion can be carried on without full liberty on either side to make and receive suggestions. I am always benefitted by the suggestion of any gentleman.”

*The Chair*: “The chair is well aware that it will not disturb the gentleman from Alabama (Mr. Yancey), but it is out of order.” Mr. Hilliard delivered an impassioned appeal for the Union, and his speech was enjoyed not only by that very considerable element in the Convention yet hopeful of the integrity of the Union, but by all who appreciated chaste eloquence and a noble patriotism. He said:

“In my judgment, the election of a Black Republican to the Presidency would result in the subversion of the government. The people of the South would not wait to see him clothed with the insignia of office; would not wait for an overt act. The end will then have come.”

Replying to Messrs. Preston, Pryor and Hilliard, at once, Mr. Yancey said:

“As regards this Kansas question being a question of division of North and South, we are told: ‘Well, do you not expect to unite the South upon it?’ I do not; I never expect to see the day when speeches, such as we have heard here, will not be delivered in a Southern convention; when a Southern convention, upon a mighty issue, shall be superior to that band of patriots who, in convention, framed the Declaration of Independence. Men were there who had upon their lips the watchword ‘Wait,’ men who preferred to rest upon the clemency and justice of the British crown rather than proceed to extremities. It is human nature that such men shall appear in every body that may assemble to consider a mighty question, even while fortune, life, and honor demand action. I am not surprised to find them here. I should be only surprised that, at any future day, we should see a unanimous body of men of the North actually preparing, by simple resolve, to create a revolution. Revolution must be accomplished by strong hearted, powerful individualities found in a community, who choose to lose life and fortune for their country, and leave her to do justice to their memories if they fall. I do not impute crime

| or fault, in any ignoble sense, to those who say, wait a little longer. We are told in sacred Scripture of men who refused to sell all and follow that which is right. It has always been so, and he reads the history of the past to little purpose who ever expects it to be different.

• “There is, therefore, no hope of uniting the South on any  
• one measure. We are told that there are already a plenty  
✓ of issues. Well, this (the African slave trade laws) is one  
✓ more, and possibly it may be the last feather on the camel’s  
back which will break down this indifference and submission.  
This question can do no injury. I do not expect the North,  
with its majority, will ever vote for it. Therefore, these laws  
will never be repealed. Nor do I expect the wrong done us  
in the manner in which California was admitted or in the  
emancipation laws of the District of Columbia, will ever be  
redressed. I do not expect the Northern States to do us the  
justice to repeal their laws prohibiting the execution of the  
fugitive slave law in their limits. I do not expect public  
sentiment there to reach back and do us justice. All my aims  
and objects are to cast before the people of the South as great  
a mass of wrongs committed on them, injuries and insults that  
have been done, as I possibly can. One thing will catch our  
eye here and determine our hearts; another thing elsewhere;  
all united, may yet produce spirit enough to lead us forward,  
to call forth a Lexington, to fight a Bunker’s Hill, to drive the  
/ foe from the city of our rights.

“There is one other point. This agitation of unjust law is called an inferior issue. If my argument be a sound one, our honor is at stake, and it is not an inferior issue. If this law be a mark of degradation, why does it cumber our statute book? Gentlemen admit it brands us with degradation; my argument proves it. Three cents a pound tax on tea was an inferior issue, in a certain sense. My friend, Mr. Scott, says a great principle was involved. A great principle is here; the principle of equality. Can our government, by law, be permitted to brand our institutions as unworthy of existence? It is not wrong to repeal even laws that are Constitutional. This law may be Constitutional. The fugitive slave law is different. It was passed to perfect the Constitution. This is no inferior issue. What is the issue proposed by gentlemen?



If I understand my distinguished friend from Virginia (Mr. Pryor), the election of a Black Republican President would present an issue of disunion. I understood my learned colleague (Mr. Hilliard) to say that upon that issue he would be ready to dissolve the Union. My colleague (Mr. Scott) will be ready then—ah, but he is ready now! I say, with all deference to my colleagues here, that no more inferior issue could be tendered to the South upon which to dissolve the Union than the loss of an election! If in the contest, of 1860, Seward should receive the necessary number of votes to elect him President, according to the forms of the Constitution, and laws, gentlemen say, then will have come the time to dissolve the Union. If that be made the cause to dissolve the Union, I say to them, I will go with them, but I will feel that I go in the wake of an inferior issue; I will feel that there is a banner over me of the kind I would not wish.

“When I am asked to raise the flag of revolution against an election, under the forms of law and the Constitution, I am asked to do an unconstitutional thing; I am asked to put myself in the position of a traitor or rebel; in a position where, if the government should succeed and put down the revolution, I and my friends would be arraigned before the Supreme Court of the United States which would be the creature of Seward—as he has already given notice in the Senate—and be hung. If I should be asked why sentence should not be passed against me, I could not then, as I can now, upon past issues—I could not then say to the bloody judges upon the bench, ‘My hands are guiltless of wrong against the Constitution of my country, and I appeal to an enlightened posterity, to the judgment of the world, for the vindication of my name and my memory,’ as Emmett said. Why am I to go with you? Because, in my judgment, the Union had already been dissolved; because a government is left, but not the Union which the Constitution made; because right is beneath the foot of power; because, while the form of the Constitution remains, its spirit is long fled, and I would be willing and justified to undergo the fate of rebel and traitor, if I fail; because my countrymen would then have decreed to go, and whatever be their fate, for weal or woe, shall be my fate. Now, then, do not talk of other issues of that sort. My learned colleague



says wait; the gentleman from Virginia says wait. This everlasting waiting is the destruction of opportunity."

Mr. Yancey enjoyed the debate exceedingly. He entertained a company, composed of the delegates, at his residence at dinner, while he himself occupied the floor. He resumed the floor after dinner.

"A good dinner (wrote Johnson J. Hooper) had brought out all the good qualities of Mr. Yancey's nature, and he was in the best humor with his opponents—that is, good for him! He handled Messrs. Hilliard and Scott like Grimalkin plays with the mouse. His irony was exquisite, and we doubt not was more torturing to Mr. Hilliard than were the blows of his war club at the Capitol last winter."

Mr. Yancey said Mr. Hilliard spoke of somebody who had fired the temple of Minerva to acquire notoriety, however unenviable, but had disclaimed all reference to Yancey. He did not remember to have read any account of the firing of Minerva. He remembered an account of the firing of Ephesus, with the great dome, and the motive of the incendiary. He could not imagine why his learned friend should have fallen into so strange a misquotation, until he reflected upon the motive. He (Yancey) once had an ally a long time ago, when he was a good party man. His ally was not a very learned man, but one who had been very fortunate in the public honors he had received — his ally of 1840.

*The Chairman* (Mr. Cooper) — "Does the gentleman from Alabama (Mr. Yancey) expect to make that applicable to the question before the house?"

*Mr. Yancey*—"Yes, sir; I do, sir."

"Go on!" "Go on!" cried the audience.

His ally of 1840 made a classical quotation which was so ridiculous that Mr. Hilliard felt justified in saying his ally (Mr. Fitzpatrick) was more familiar with the ear marks of cattle than with the dog ears of books. "Failing to elevate that gentleman to the plane of the classic, he has himself magnanimously descended to the level of the rustic;" said the orator. Mr. Hilliard had quoted in the morning the haughty speech of the Scottish earl:

"And if thou saidst I am not peer  
To any lord in Scotland here,  
Lowland or Highland, far or near,  
Lord Angus, thou hast lied!"

The point Yancey made, in continuing the quotation beyond where Hilliard had left it, was upon that gentleman's facility in taking care of himself in the political field. He continued the recitation :

“ On the earl's cheek the flush of rage  
O'er came the ashen hue of age ;  
Fierce he broke forth : ‘ And dar'st thou then,  
To beard the lion in his den,  
The Douglas in his hall ?  
And hop'st thou hence unscathed to go ?  
No, by St. Bryde, of Bothwell, no !  
Up drawbridge, grooms—what, warder, ho !  
Let the portcullis fall ! ’  
Lord Marmion turned ! well was his need,  
And dashed his rowels in his steed,  
Like arrow through the archway sprung ;  
The pondrous gates behind him rung.  
‘ To pass there was such scanty room,  
The bars descending grazed his plume.’ ”

The effect of the recitation on the audience was an episode. The air was filled with shouts of laughter and applause, in which friends and opponents joined, none more heartily than Mr. Hilliard.

The Convention adjourned with the same universal consciousness, among the delegates and the visitors, that Yancey had been the dominating spirit, which prevailed on the memorable night, ten years before, when the Alabama Platform was adopted. In this later, as in the earlier time, many men of power rose up on all sides to resist Yancey before the people. The Virginia delegates were uneasy and even displeased. Virginians, who had long made Alabama their home and had become leaders, who until now had been personal and political friends of Yancey, openly confessed an antagonism to him after the Convention dissolved. He had done nothing to conciliate “ the mother of States and statesmen ” ; he overtopped her best men on fair field. Especially did Virginia's spokesman, young Mr. Pryor, bear away chagrin in his heart. He was among the most brilliant of the young editors of the Southern press. His newspaper, the *Richmond South*, had a large and growing circulation in the cotton States, and in none was it more appreciated than in Alabama. He had lost ground before a Southern audience in the contest with Yancey, and in course of the same summer, while Yancey was recuperating his broken health in the hills of Georgia, a very acrimonious

controversy in the press was conducted between the men, opened by Mr. Pryor. It was universally regretted that no worthy reports of the debates in the Convention were published. Full stenographic reports were taken and written out, and the cost of publication was paid in advance to the editors and publishers of the *Confederation* newspaper, at Montgomery, to whom they belonged, for the purpose of securing the proceedings in pamphlet form. After a year's delay, on demand, the *Confederation* returned the money to the Secretary of the Convention, without interest, but declined to produce or account for the reports.\* Daily reports, except very meagre, were not published, because the local newspapers were unequal to the undertaking.

After the adjournment of the Convention, the disappointment of the people in the failure of the publishers to print the proceedings threw upon Mr. Yancey many demands for a correct statement of his course in the debates. He replied to some of the letters he received, and made, among others, a carefully considered speech at Benton, Lowndes county, before setting out on his summer vacation. In the speech, which was re-published in different States, he advised the formation of clubs or associations similar to those formed in the colonies preceding the Declaration of Independence. The leagues would be independent of existing parties, and would have for their object the enlightenment of the people. The time had come when the people must either be content to alienate the right of posterity to Constitutional government, or they must enter upon its practical defense. Such "compromises" as had, in the past, been permitted, were an impairment of the rights of posterity.

The following letter explains, generally, the arguments he employed at this period:

"MONTGOMERY, May 22, 1858.

"*Mr. Thomas J. Orme:*

"SIR:—I received your note of the 20th inst., a few moments since. My opinions on matters of public interest are always at the command of my countrymen; and as it is quite uncertain when the official report of the proceedings of the

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\* Letter of P. D. Page, Secretary, in *Montgomery Mail*.

late Convention will appear, I will give you my views in brief on the matters you propound.

“1st. I did not introduce the subject of the African slave trade into the late Southern Convention.

“The previous Convention, held at Knoxville, had the subject under consideration for several days, and appointed a committee to investigate it, and to report to the late Convention at Montgomery. I was not a member of the Knoxville Convention, but was appointed by its President to be one of that committee, without being consulted.

“When the Convention met at Montgomery, the Chairman of that committee, Mr. Spratt, made an elaborate report in favor of re-opening the African slave trade. I had never read it, nor known of its contents, until it was read in the Convention. The presumption is, that all members of a committee approve a report, unless they express dissent. As I was not prepared to give an unqualified approval or dissent to all the arguments and propositions of that elaborate paper, justice to myself required that I should explain my position on the question; and on the next morning I wrote and submitted a brief report of such views on the subject as I had formed an opinion upon, and upon which I was prepared to stand.

“2d. It will be seen, by reading my report, that I neither recommended or disapproved of the re-opening of the African slave trade; on which, in reality, I have not matured a fixed opinion, but to which my mind is favorably inclined.

“What I did recommend was simply *the repeal* of the laws of Congress making the foreign trade in slaves piracy; on the ground, chiefly, that those laws stood on the statute book as a direct condemnation, by our own government, of the institution of slavery in its moral and social aspects, and indirectly operated to restrict our political power.

“In making this recommendation, my care was not so much for the African slave trade, but was to strip the Southern ship of State for battle — to furl and cut away every sail that would impede her movements — to cast loose every rope that would be a drag upon her progress. We have now the moral condemnation of Christendom upon us. We have, since 1819, borne the stigma placed upon us by the laws of our own government, making foreign trade in slaves a piracy. We have,

since 1851, had the stigma of Congressional laws placed upon the internal slave trade also; a law which makes the slave free, if a citizen of any of the Southern States should carry him to the District of Columbia for sale.

“On this view of the subject, I had a right to expect the cordial and united support of all pro-slavery men. That it did not receive this support is owing to the fears party men had, as to the effect the matter might have on our ‘Northern allies.’

“I know that in the Convention I urged several arguments designed to show that the re-opening of that trade would be beneficial to the South. These were in reply to counter statements; but I also expressly stated that, as to that point, I was for leaving it to be regulated by the laws of the several States. Repeal the laws of Congress, and the States would each possess the power to allow or prohibit that trade. *I am for repealing those Congressional laws; and for leaving the matter to be regulated by the States themselves.*

“I expressly disclaimed any desire to make an issue upon that matter in the South. I have no such desire. Hence, I did not press the matter to a vote. I only, as the matter was before the Convention, desired the Southern mind to be directed into the proper channel of thought, and to think and reflect upon it as one of that series of Congressional acts which have tended to increase the power of the North, and to cripple and stigmatize the South. One of them has recently been exposed in all its selfish and corrupt deformity (the fish bounty law) by the wise, practical statesmanship of our efficient Senator, Mr. C. C. Clay, jr.

“Neither am I for making the issue of disunion now upon the African slave trade, or any other question; though individually prepared for the issue, when the South shall deem the time has arrived to resist the accumulated wrongs of half a century of hostile legislation, I expressly disclaimed such intention in the late Convention.

“Neither am I in favor of making up an issue of condemnation of our Representatives in Congress on account of their support of ‘the conference bill.’ Such an issue would at once divide and distract that noble band of Southern Rights men who believe in secession, and have ever been ready to

exercise it — upon whom the South can alone rely in her greatest need — who, though not, perhaps, a majority, yet by their earnest action, by their intellectual ascendancy, their known political probity, the firmness and intensity of their faith, have, since 1851, succeeded in giving direction and control to public opinion at the South. Many of the choicest spirits of that class of Southern men are now in Congress, having voted for that conference bill under a sincere misapprehension, in my opinion, as to the true design and character of that measure. I would deeply deplore making an issue with such men — an issue which, whatever might be the mere personal result, could not but inflict a deep and lasting wound on the cause of the South. The only men in our midst who are now lending their energies to produce such an issue, in my opinion, are the Union-loving fogies who expect to rise upon the ruins resulting from a quarrel among the State Rights men.

“But I am for a free discussion of the merits of that measure. I am for a daily reckoning of the position of the South. I think it prudent to know our latitude and longitude daily — to heave the lead hourly, to ascertain our soundings — and if the ship of state has been wrongly directed, she should be put upon the right track at once. In this view I candidly say that, in my opinion, Quitman and Bonham were right in voting against that ‘conference bill.’

“By the treaty with France, by which the United States acquired the territory of which Kansas is a part, the government guaranteed, in the 3d article, that ‘the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal Constitution,’ etc.

“By the Kansas act, 19th section, it was provided that a temporary Territorial government should be erected — ‘and when admitted as a State or States, the said Territory, or any portion of the same, shall be admitted into the Union with or without slavery, as their Constitution may prescribe at the time of their admission.’ The 32d section provided that the people thereof shall be left ‘perfectly free to form and regulate their domestic institutions in their own way — subject only to the Constitution of the United States.’

“The National Democratic Cincinnati Convention, of June, 1856, ‘*Resolved*, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and when the number of their inhabitants justifies it, to form a Constitution with or without slavery, and be admitted into the Union upon terms of perfect equality with the other States.’

“The first clause, Section 3, Article 4, of the federal Constitution, prescribes that ‘new States may be admitted by Congress into the Union.’

“These, I believe, are all the rules which a Democrat would look to in coming to a conclusion on this question; and it seems to me clear that when construed together, he must come to the conclusion, *first*, that by treaty the inhabitants of Kansas have *a right* to be admitted into the Union, ‘as soon as possible, according to the principles of the federal Constitution,’ and therefore that Congress has bound itself to exercise its general Constitutional discretion, as to admitting new States, in favor of admission of Kansas; *second*, that the Kansas act has transferred to the people of Kansas the right ‘to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States,’ and to be admitted as a State; *third*, that the National Democratic Convention has explicitly recognized this *right* to admission. The Democracy and the opposition both conceded the question as to numbers — the only issue being, first, as to whether the LeCompton Constitution expressed the will of the people; and, second as to the admission of a slave State in any event.

“The Democracy framed a bill in the Senate to admit Kansas. It passed that body, and was defeated in the House by a combination of Black Republicans, of Douglas Democrats and a few South Americans.

“The Kansas Conference bill was then submitted and passed. The Democracy, combined with a few South Americans and a portion of the Douglas Democrats, carried it through. That bill was, in my opinion, based on this fundamental error — that Congress had a right to refuse to admit Kansas as a State, unless Kansas would enter into a contract



with the general government, whereby, in consideration of certain land grants, the new State would release certain powers, which are specified in the following proviso, to-wit :

‘The foregoing propositions herein offered are on the condition precedent that the said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulation which Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents. Sixth, and that said State shall never tax the lands or property of the United States in that State.’

“The leading press, in Alabama, which advocated that bill, said it was necessary to make these propositions a precedent to admission, because, otherwise, ‘the right to tax and dispose of the public domain would be wholly in the hands and at the mercy of the State, if she chose to exercise it.’—*Confederation*.

“One of the ablest supporters of that bill in the Senate says :

‘The consequences of admitting a State without a recognition precedent of the rights of the United States to the public domain, are, in my opinion, the transfer of the useful, with the eminent domain, to the people of the State, without reservation.’—*Hon. Jeff. Davis*.

“Another prominent advocate of that bill said in the Senate, in speaking of the bill and the Kansas Constitution :

‘We do not alter that; we accept that part of your proposition, and we give you the ordinary grant of land, but we will not give you the extra seventeen million of acres you claim. If they will not agree to this, what is the consequence? The bargain is at an end, of course the Constitution fails, and she is in a Territorial condition.’—*Hon. Robert Toombs*. ♦

“These extracts show the principles upon which the conference bill rests, as defined by its friends. Now, as I have shown that Kansas is entitled to admission ‘as soon as possible, consistent with the principles of the federal Constitution,’ it follows that the principles above quoted as ground for her rejection, unless she accepted the proposition of Congress, to be valid must be ‘in accordance with the principles of the federal Constitution.’ If they are not, then the conference bill



is fundamentally an error. I think that I shall be able to show that this is a fundamental error, by the decision of the Supreme Court of the United States.

“The lands in a Territory belong to the general government, as trustee for the States. What is called the *eminent domain* is vested in the United States ‘for the purpose of temporary government’ alone. When the Territory becomes a State, the new State succeeds at once to the rights of eminent domain, and nothing remains to the United States but the public lands. These principles are not new. They have been declared to be correct by the Supreme Court of the United States, in *Pollard’s Lessee vs. Hagan et al.*, 3d Howard’s Rep. Said the Court :

‘We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction or right of soil, in and to the territory of which Alabama or any of the new States were framed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds executed by them to the United States, and the trusts created by the treaty with France of 30th April, 1803, ceding Louisiana.’  
\* \* \* ‘When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in possession and under control of the United States, for the temporary purposes provided for in the deed of cession. Nothing remained to the United States, according to the terms of the agreement, and the legislative acts connected with it, but the public lands. And if an express stipulation had been inserted in the agreement, granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no Constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State, or elsewhere, except in cases in which it is expressly granted.’

“In the opinion of the Court, then, it seems that neither an act of Congress requiring the assent of Kansas [nor an acceptance of that requirement by Kansas] to a disavowal of any right to the eminent domain over the public lands, would operate to confer on Congress any rights incident to the eminent domain, for such would be ‘void and inoperative.’ The lands belong to the United States. The sovereign municipal power

over them belongs to the States; and no act of Congress or assent of Kansas can alter this state of things.

“Let us apply these principles to the conference bill. The first and second of the conditions precedent required by Congress, it is now clear, are ‘void and inoperative,’ in the opinion of the Supreme Court, because Kansas had no right in the public lands, and, therefore, could no more interfere with their sale by their owner, than she could with a sale of his lands by an individual citizen.

“The fourth condition precedent is of the same character, the Constitution of the United States forbidding a State to tax the property of a non-resident higher than similar property of a resident. See case *Wiley vs. Parmer*, 14 Alabama Reports.

“These questions have all been adjudicated; and the courts have jurisdiction over them, and the Constitution of the United States prevails over any State enactment or, even, Constitutional provision, on the subject.

“These views were relied upon by Congress when it admitted California a free soil State, and at the same time rejected her land ordinance; and on these principles the Senate Kansas bill was based. Why were they so suddenly departed from in the conference bill?

“The remaining conditions relate to the taxing powers of the State.

“The Constitution provides that all powers not delegated to it nor prohibited by it to the State ‘are reserved to the States respectively or to the people.’ The power to tax land within its borders is a ‘reserved right,’ and any attempt by Congress to force a grant of such a right by denying the State admission unless she yields it, in the face of that treaty stipulation, is in opposition to the spirit and the ‘principles of the federal Constitution.’

“It is said, however, that Kansas asked too much land, and Congress should have not yielded to that request. I agree to this. But the acceptance or rejection of the land ordinance and the admission of the State are two entirely distinct measures. The land ordinance and the Constitution were two distinct matters—in no way dependent on each other—for the State may refuse to accept of any donation of land from the general government, and not yield one of her

sovereign rights. The new State was entitled to admission, but had no right to any more land than Congress should choose to give her. The State had a right to be in the Union, with or without land; and Congress, on just principles, was in duty bound to admit her; but might say to her, we reject your application for land, and make another proposition, which the State could accept or reject. But Congress had no right to say, your admission shall depend on your agreement to our land proposition. Here is the vice of the conference bill, in a Constitutional and legal view. Congress refused to the new State its undoubted right of admission, and, in order to its enjoyment of that right, demanded of the State the restriction of another of its rights.

“As a measure of policy, in my opinion, the conference bill was a bad one. The object of the free soil opposition was to obtain a chance, through the vote of the people of Kansas, to destroy the LeCompton pro-slavery Constitution. The object of the South was, to force an issue with the North on the admission of a slave State. This was the legitimate issue arising under and designed by the repeal of the Missouri compromise. The South had, in every State, pledged itself to meet all the consequences of such an issue.

“Far better had the issue been met. The South had done its duty in using all its exertions to bring Kansas into the Union ‘in accordance with the principles of the Constitution.’ She had nobly performed her duty without counting the cost. Why should she have hazarded her own unity, and compromised her position by further effort? General Davis answers and says, by this bill ‘the country was relieved from an issue, which, had it been presented, as threatened, our honor, our safety, our respect for our ancestors, and our regard for our posterity, would have required the South to meet at whatever sacrifice.’ General Davis may be right, but the fact is that the North laughs at us, and we stand, not exactly a scorn unto ourselves, but certainly without any cause of congratulation at the result.

“What has been the effect? To divide the South—to depress the spirit of its people—to abate their confidence in their chosen leaders—to cause them to believe that they have lost all the substantial benefits which were expected to be realized

*by the country* from the result of the canvass of 1856—to create distrust and dissension among them.”

“Very truly your friend,

“W. L. YANCEY.”

Mr. Yancey did not favor the re-opening of the African slave trade, as a distinct proposition. On the contrary, his judgment condemned it. So soon as he had the opportunity to cast a vote on the question, disembarrassed of its correlation to Constitutional liberty, he voted to prohibit the trade forever; and to make of the prohibition organic law, fortified by severe penalties of disobedience.

The correspondence between Mr. Pryor and Mr. Yancey is useful to expose the energy of Yancey's policies. Pryor argued that Yancey did not contemplate the common action of the slave States in forming a re-organized Confederacy, nor did he expect even the cotton States to act by the unanimous voice of their people. Yancey freely admitted that he did not think it would be to the advantage of a hypothetical slave Confederacy that Missouri, Delaware, Maryland, Kentucky, or even Tennessee should participate in its organization. Nor did he deny that he attached little importance to entire unanimity of opinion in the cotton States, themselves, when the time should come for the erection of their Confederacy. The colonies did not wait to see their people united before raising the standard of revolt; their people were not united in the progress of the war for Independence, nor yet for a long time after it ceased. Harmony was not always progress. He would cheerfully plead guilty to Mr. Pryor's impeachment, charging him with sympathy with a “new school of Southern statesmanship.” While principles were everlasting, it was not a recommendation to party methods that they were old beyond their usefulness. Safety was not in blindness to danger, and when party methods, however venerable, sought to repress new and healthful development of society, it was not conservatism to hold fast to them in defiance of their power for evil.

The letter, of this busy season, from his pen, which became synonymous with his name, and even yet is quoted in reproach of him and the people of the South, who accepted his counsel, was in the following brief and hurriedly written lines, considered private at the time of writing:

## THE SLAUGHTER LETTER.

“MONTGOMERY, 15th June, 1858.

“DEAR SIR:—Your kind favor of the 14th is received.

“I hardly agree with you, that a general movement can be made that will clean out the Augean stable. If the Democracy were overthrown, it would result in giving place to a greater and hungrier swarm of flies.

“The remedy of the South is not in such a process. It is in a diligent organization of her true men, for prompt resistance to the next aggression. It must come, in the nature of things. No National Party can save us; no Sectional Party can do it. But if we could do as our fathers did, organize Committees of Safety all over the cotton States, (and it is only in them that we can hope for any effective movement,) we shall fire the Southern heart—instruct the Southern mind—give courage to each other, and at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution.

“The idea has been shadowed forth in the South by Mr. Ruffin—has been taken up and recommended in the *Advertiser*, under the name of ‘League of United Southerners,’ who, keeping up their old party relations on all other questions, will hold the Southern issue paramount, and will influence parties, legislatures, and statesmen. I have no time to enlarge; but suggest, merely. In haste, yours, etc.,

“W. L. YANCEY.

“*To James S. Slaughter, Esq.*”

The phrase “precipitate,” upon which attack upon the letter turned, was, doubtless, a reminiscence brought down from the debates in the late Commercial Convention. Mr. Pryor had there interrupted Mr. Yancey, in debate, to correct him in the use of the term “conservative,” as applied by Yancey to Pryor. Pryor said he proposed “to conserve the rights, honor, and dignity of the South, and was, therefore, reluctant to *precipitate* the South upon a line of policy that, in his opinion, would utterly ruin her prospects.” Mr. Yancey instantly replied: “That is my proposition; I so stated this morning.” The letter to young Mr. Slaughter, of Georgia, was a hasty reply to a suggestion coming from him, to force the Democratic party to dissolution, and a refusal of the writer of

the reply to concur. Yancey never regarded secession as "revolution," but, rather, the deliberate and rightful act of a State living up to the theory laid down in the Bill of Rights, that a people have the right to change their form of government at will. The duty to resist the "next aggression" was a part of the organic law of Georgia, adopted by her sovereign Convention, of 1850, and accepted by the Southern people, with great unanimity, in their party pledges, covering several years. The language of the famous letter was, indeed, a paraphrase, dashed off in the familiarity of private correspondence, upon a recent and notorious debate, of which Mr. Slaughter was presumed to be in intimate recollection. Mr. Yancey's political foes were not slow to quote him in defense of their own proposition, that secession would be "revolution," and, in palpable travesty upon his meaning, led by Mr. Pryor, they made a classic of the Slaughter letter.

The Slaughter letter was cotemporary with Mr. Yancey's labor in organizing a political club, at Montgomery, which was intended to be a precursor for similar organizations throughout the South. The club was naturally offensive to party leaders. The plan originated with Mr. Edmund Ruffin, of Virginia, the most eminent agricultural reformer of the slave States. No oath and no secrecy attached to membership. Mr. Yancey prepared the following document and organized a club or league under it:

**"CONSTITUTION OF THE MONTGOMERY LEAGUE OF UNITED SOUTHERNERS.**

"Believing the South stands in need of some efficient and organized mode of concentrating public opinion upon public men and measures and of influencing and guiding political parties, with a view to the advancement and protection of her constitutional rights, and that the want of this has enabled all political parties to sacrifice those rights to their own necessities;

"And believing, further, that it is the duty of the South to use all proper means to maintain her rights in the Union, with the view to being justified before the world in resuming the powers she has delegated to the general government, in the event she fails to obtain justice in the Union, we organize ourselves under the following

**"CONSTITUTION:**

**"ARTICLE 1.** This association shall be known as the Montgomery League of United Southerners.

**"ART. 2.** Its officers shall consist of a President, vice-President,

Secretary, and Treasurer, who shall hold office one year, or until their successors shall be elected.

“ART. 3. Election of all officers shall be made annually and by ballot.

“ART. 4. Any person may become a member of this League who will pledge himself to carry out its objects and who shall sign this constitution.

“ART. 5. The object of this League is, by the use of proper means, to create a sound public opinion in the South on the subject of enforcing the rights of the South in the Union. Among the primary ideas are: (1) No more compromise of those rights either in party platforms or in national legislation; (2) a full recognition and maintenance of those rights as paramount to the safety of the federal administration or the success of the national parties; (3) the elevation to the public councils of the ablest and purest Southern men.

“ART. 6. This League will nominate no candidates for any office, State or federal; but its members are pledged to use all honorable means to secure the nomination, by the respective parties to which they belong, of sound, able, and pure men of the Southern Rights school.”

“The President told me if I did not obey him and vote to force the LeCompton Constitution on the people against their will, he would take off the head of every friend I have in office.” This was the sensational utterance of Mr. Douglas, as he entered the campaign, in Illinois, for re-election to the Senate, in 1858. The President confessed the weight of the candidate's influence by publishing a positive denial, over his own signature, and by a reference to the records to show, that he was not guilty of partisanship in dispensing federal patronage in Mr. Douglas' State. The Democrats, of Illinois, were not united. While Horace Greeley urged the Republicans to support Douglas, Judge Breese was named as the opposing, LeCompton Constitution candidate. The State Republican Convention, which met to nominate State officers for a general election, was not pleased with Mr. Greeley's temporizing policy. Fearful of the influence which such counsels as his might exert over the Republican members of the Legislature, to be chosen in the same year, the party convention determined, against all precedent, to forestall it and boldly introduced the innovation of a popular nomination of the candidate, whom the Republican legislators would be expected to support. Abraham Lincoln, Whig Representative in Congress, in the time of the Mexican war, received the nomination. He was known to be a man of tact and a good debater on the stump. It was known



that he was an implacable foe to the institution of slavery, and that he would be sure to keep abreast with, when not leading, the advances toward radicalism of his party. He remained the typical backwoodsman, whose education had been sufficient to permit his rare talent to command respect. He was chosen, not only because of his ability and courage to face Mr. Douglas, great as Douglas was known to be on the stump, but because those who knew him were well convinced that Lincoln would be able to put to blush, in his own advanced positions on slavery restriction, any bid of Douglas' for support, based on the latter's late affiliation with Seward, Sumner and Chase on the LeCompton Constitution question. The contest soon attracted attention in all parts of the United States and in the anti-slavery circles of Europe. In the South, it was observed with intense curiosity. Mr. Lincoln never, on any emergency, disappointed his party. His affiliations, in the present instance, were with the radical element of the young Republican party. As soon as his nomination was announced in Convention, he rose to address the body, and then laid down the broad proposition, that the original compromises, in respect to slavery, between States intending to become free States and States intending to preserve slavery, ratified in the federal Constitution, could no longer be enforced. With consummate skill, he thus threw Mr. Douglas, at the outset, on the defensive. If it were not true, that the compromises of the Constitution, between the free and slave States, in respect to slavery, had become inoperative, why had Mr. Douglas voted against the admission of Kansas to the Union because the State presented a slave Constitution? Seeing himself on impregnable ground, the Republican candidate quickly sent a written challenge to Mr. Douglas to "divide time and address to same audience, during the present campaign." Douglas promptly and cheerfully accepted. The joint debate began, in August, and closed in September. Special trains of cars were provided to move the great crowds who attended, an exhaustless campaign fund supplied banners by day, transparencies by night, cannon, music and processions. Lincoln maintained the aggressive and Douglas could not escape the defensive. Lincoln plied startling questions to his antagonist, from the standpoint of the new and remorseless party, which Douglas could not evade



without confession of the inadequacy of his own doctrine, and could not answer, to please the crowd, without impeaching the old party whose faith he professed. Douglas printed a list of interrogatories, in the daily papers, to Lincoln, to be answered in the debate. Lincoln answered, *in seriatim*, and exacted from Douglas damaging rejoinders. Douglas, in the Senate, had taken the side of the revolutionists in Kansas, who defied the Executive Department of the federal authority. In answer to Lincoln's leading question, Douglas was forced to declare, in open speech, against the Judiciary Department of the federal authority. Lincoln opened the canvass with the following revolutionary proposition :

"If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now in the fifth year, since a policy was initiated, with the avowed object and confident promise of putting an end to the slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. 'A house divided against itself cannot stand.' I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward until it shall become alike lawful in all the States, old as well as new, North as well as South."

Douglas closed the canvass with the following rebellious ultimatum :

"It matters not what way the Supreme Court may hereafter decide, as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it, or exclude it as they please, for the reason that slavery cannot exist a day, or an hour, anywhere, unless it is supported by local police regulations. These police regulations can only be established by the local Legislature, and if the people are opposed to slavery they will elect Representatives to that body who will, by unfriendly legislation, effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on the abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill."

The federal Constitution provided for a "house divided against itself"—a Union of free States and slave States; the Dred Scott decree decided, in effect, that the people of a Territory had not the right to exclude slavery. The political attitudes of Messrs. Lincoln and Douglas, toward the rights of the South under the Constitution, being equal to the same thing, became, to the philosophic mind of the South, equal to each other.

Some weeks after Mr. Lincoln laid down his proposition, as the basis of argument for his party, Mr. Seward, in a speech at Rochester, New York, borrowed the thought and polished it in his rhetoric. Seward's apothegm, that "it is an *irrepressible conflict* between opposing and enduring forces" which agitated the sections, and Yancey's promise to "precipitate the cotton States into a revolution" became, in the same moment, the Shibboleth, there and here, of a sectional party.

The result of the election, in Illinois, did not surprise the country. The total vote cast was 247,024, of which Mr. Lincoln, or his party, received a majority of 4,144. The law of apportionment of election Districts, however, remaining over from 1850, defeated the will of a population greatly increased and distributed by very different rules in the year of the contest, and Douglas was re-elected.

The letter to Mr. Orme was followed by a more voluminous correspondence in the newspapers:

"DADEVILLE, Ala., June 14, 1859.

"Hon. William L. Yancey:

"DEAR SIR—I am sure that you will excuse the liberty I take in asking your views generally on the political questions which now attract the attention of the Southern people; for, if I rightly understand your position, I am one of your warm political and personal admirers.

"As it is a matter about which there is some dispute among the people, I would also request you to state whether or not you are 'a disunionist, *per se*.'

"I take this liberty with the more pleasure, because I know and appreciate your consistent devotion to all the interests of the South, and because I know that the true Southern Rights people of all parties in Alabama are accustomed to listen with respectful interest to whatever opinion you may advance upon the policy of the South.

"Trusting that you will yield to this request at your earliest convenience—and allow me to make public your reply, I remain, my dear sir,

Very respectfully yours, etc.,

"JAMES D. MEADOWS."

“MONTGOMERY, June 16, 1859.

“*James D. Meadows, Esq.:*

“DEAR SIR—I am in receipt of your letter of the 14th inst., and comply with your desire, as far as impaired health and professional engagements in three courts (now in session here) allow me to do so; and these facts will, I trust, be my sufficient apology for the rambling manner with which, under the circumstances, I must necessarily treat the grave issues of the time.

“The institution of African slavery on this continent was founded before the revolution, on a legal and unrestricted trade in slaves, carried on between the colonies and Africa. At the date of the formation of the Constitution slavery existed in every one of the States—and this foreign trade was in great activity. Climate and production, however, had, even at that day, clearly developed the fact, that slave labor could only be profitably employed in the Southern States. Hence we find that the States south of the Potomac insisted upon, and obtained, protection to the institution of slavery against anticipated Northern hostility, by express provisions in the Constitution. They obtained for it representation in Congress, and in the electoral college—and it thus became an integral part of both the legislative and executive power of the federal government. Anticipating, also, the time when the Northern States would abolish slavery in their midst and become a hostile section, both in a political and moral view, it was provided that slaves fleeing into those States should be delivered up to their owners.

“It further appears that, feeling the need of more slaves than were then in the country, to cultivate their waste lands, and fearing Northern hostility to Southern power and industry, and anticipating that the North might amend the Constitution so as to prohibit the trade in slaves with Africa, the Southern States succeeded in making it a part of the Constitutional compact—that Congress should not prohibit the African slave trade, prior to the year 1808—thus in effect making it a part of the compact, that the States should have an unmolested enjoyment of the foreign trade in slaves at least until 1808, *and as long after that as the Constitution remained unchanged.*

“These provisions conclusively prove that the institution of African slavery, as it then existed in the States, received an express and an especial protection in the Constitution; and that its increase by foreign supply received an express and especial protection, even to the extent that, while in reference to all other subjects the Constitution might be amended at any time, on that matter it could not be changed, in good faith, for twenty years, so as to enable Congress to prohibit the trade before 1808. As far as slavery is concerned, the Constitution is the same now, as it was when it was adopted by the Convention that framed it. The rights which belong to the institution under it, and the powers of Congress in relation to it, have not been altered, and are the same now as then — are neither greater nor less.

“The foregoing is the basis upon which I have founded my opinions upon the vexed questions of abolition and of Southern rights. I have squared all questions as to slavery by these Constitutional rules. Both in theory and in practice I have ever held them as paramount to mere party obligations — and I am happy to find that in doing so I have obtained the mead of your approbation, and that of other true Southern men, and that, in your and their opinion, I have ever shown a ‘consistent devotion to all the interests of the South.’

“Exceedingly loose, and indeed unconstitutional, ideas on the subject of slavery, early crept into the public mind. Wild, impracticable and false notions, as to the equality of the human race, got abroad both here and in Europe. The world had so long been pressed down under the weight of absolute despotism, that the rebound of opinion went far beyond the line of truth; and the error, starting in France, swept across the Atlantic, and for a time unsettled, even here, the well-balanced principles of our Constitution, and the opinions of some of our greatest statesmen. From this source Mr. Jefferson became imbued with the spirit of slavery emancipation; and under his powerful influence this mental poison spread through our political sphere, while under the still stronger influence of several mighty preachers of the gospel, it became a creed in our religion that slavery was a moral leprosy fastened upon the land. In the height of these radically false notions, Congress passed the law prohibiting the foreign trade in slaves —

declared it to be of the ignominious grade of piracy—on a level with and the equal of murder and robbery on the high seas; and having thus cut off one of the chief sources of its increase and prosperity on the East, it turned to the West, and by the Missouri compromise, as it was falsely called—by the first application of the Wilmot Proviso in fact, it declared that slavery should be forever excluded from all of our Territories north of  $36^{\circ} 30'$ , that is from three-fourths of our domain. In the progress of time, under the influence of wiser statesmen and theologians, and stimulated by the fact that slavery, by means of the cotton-gin discovery, had become by far the most valuable labor in the world, better opinions as to the moral and political basis of the institution began to prevail in the South. Now, after a struggle of over a quarter of a century, the mass of our people believe slavery to be morally, as well as politically right—and the action of Congress excluding the South from the Territories has been declared unconstitutional, and has been repealed. There yet remains, on the statute book, of this semi-abolition policy, the act of punishing dealers in foreign slaves as pirates—and there is yet in reserve for the better opinions of the time, I sincerely trust, a triumph in the repeal of the infamous law.

“But while there has been this great revolution in opinion at the South, such has not been the case at the North. On the contrary, from the milder and calmer form in which it existed at an earlier day, under the specious name of emancipation in Virginia, this hostility to slavery has grown into the fiercest crusade against the rights of slaveholders that the world has ever witnessed upon any other question of civil polity.

“It is the only question upon which parties are formed—like Aaron’s rod, it swallows up all others. For years past, since 1848, it has assumed this position of paramount importance. Its progress has elevated a party whose earliest advocates were pelted with rotten eggs, even in New England, to a position in which it fiercely and exultantly struggles for supremacy against all other political combinations. It has utterly destroyed that great and powerful historic party, which was led by such men as Clay, Webster, Adams, Crittenden and Clayton. It is an intensely sectional party, based upon Northern prejudices, and warring against the South and its

prosperity. It is purely an aggressive party — assailing a section which acts entirely on the defensive, and which has never put in jeopardy a single Constitutional right of the North. Its energies are fearfully great; while its integrity to its principles is as undoubted as it is worthy of a better cause.

“ While it has not yet destroyed the national organization of the Democracy, it has made most fearful inroads into its ranks. Formerly, the national Democracy maintained a decided ascendancy in the Northern States. To-day, it cannot reasonably calculate upon carrying more than three out of seventeen of these States, and those the weakest in influence and numbers. But though it has not destroyed, it has utterly demoralized the Northern wing of that great party; so that the triumph of Douglas and his adherents upon his Territorial policy would be fraught with as much actual danger to the South as would the triumph of Seward.

“ A union of all these elements which are hostile to the South on this question at this time, would present a majority in both branches of Congress, and in the electoral college. The personal ambition and jealousy of Northern leaders alone prevent that union to-day. To-morrow it may be effected.

“ While we are thus openly and directly assailed from the North by Seward and his great party, outside of the Democracy, we are as effectually assailed, in flank as it were, through the Territories by Douglas and his followers inside the national Democracy. Acknowledging the correctness of the principle that slavery cannot be excluded from a Territory by direct Territorial legislation, and that it has a right to go to and settle in the Territories, the Douglas doctrine is, that the Territorial Legislature can properly refuse to protect it while there, and even can assail its prosperity by laws taxing it so severely that it will be obliged to abandon the Territories. It is pretended that this doctrine is founded in the right of the Territories to inherent original powers of legislation — and is also based upon the Kansas act. That they have not inherent and original powers of legislation is sufficiently shown by the fact that they have never pretended to exercise any except under a grant from Congress — and further, that they are under the government of the federal Constitution, as well as of Congress; and that Congress has no original and inherent

powers of legislation, but its powers are purely derivative and expressly restricted.

“In the immediate case to which this new principle is sought to be applied — Kansas — the Territory derives its power of legislation from the act of Congress, and no higher source. Its language is this :

“‘SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act, etc.’

“I have already shown that slavery cannot be assailed under the federal Constitution, and that Congress has no power over it, save to protect it. As the Territory derives its power of legislation from Congress, it follows that it possesses no higher power than is possessed by that body.

“But the advocates of this new creed insist that the exercise of any legislative power by the Territory is not, under the Kansas act, a subject of revision by Congress; and that Congress has expressly declared that its laws shall alone be passed upon by the Supreme Court. The position is untenable. In the 9th section is to be found all that bears upon this point, and it is in the following words, viz.:

‘Writs of error, and appeals from the final decision of said Supreme Court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the Circuit Courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only, that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said Supreme Court, without regard to the value of the matter, property, or title in controversy.’

“This clause clearly defines the rights of parties to suits alone, and neither in letter or spirit, can bear the construction that the federal government should abandon its right as a principal to review and repudiate the unauthorized acts of its agent — the Territorial Legislature.



“If that Legislature violate the Kansas act and pass a law not ‘consistent with the Constitution of the United States,’ such act is null and void, binding neither on Congress nor upon individuals, and Congress can set aside or repeal such act and declare it null and void. The Supreme Court acts on individuals alone, not on Congress or Territorial Legislatures.

“This Douglas doctrine has already, in effect, been declared unconstitutional by the decision of the Supreme Court in the Dred Scott case. The Supreme Court having declared that no Legislature possesses such power, if a Territorial Legislature shall disregard that decision, who is there to enforce a regard for it if Congress cannot do so? It must be clear to every unprejudiced mind that the South is entitled to protection, and that it is the duty of Congress to afford it against all Abolition aggression.

“Yet, though this be the obvious interpretation of the Constitution and of the Kansas act, a Northern Senator of repute — Mr. Pugh, speaking doubtless the sentiment of the great mass of the Northern Democracy, frankly and firmly declares in the Senate, that if the South insists upon protection in the Territories against Abolition laws, not a man at the North will be found to sustain her!

“But, what is far more astonishing, even here in the South are to be found Democrats who, ‘for the sake of the harmony of the party,’ attempt to screen Douglas and his followers from the just indignation of our people, and who maintain that his Territorial doctrine is a mere abstraction, and should be ignored by the Democracy; and who even go so far as to declare that if Mr. Douglas shall be nominated at Charleston, they will support him for the Presidency. If public rumor is to be credited, even one of your Senators in Congress holds these dangerous anti-Southern positions; while it is well known that one of the public journals of the State, generally deemed to be his mouth piece, has openly advocated such a policy.

“The assertion that this Douglas heresy is a mere abstraction is itself fraught with significance. It is an acknowledgment that past legislation as to the Territories as a whole has been disastrous to the South, and has so operated upon her fears and upon the sensitiveness of her slave property, that



she will be kept from making further effort to organize Territorial governments favorable to her policy; and thus it will never again be a practical question whether a slave State can be admitted into the Union! What a sad comment upon the condition of the South! Manacled and robbed, she is exhorted to be quiet, for lost rights are but as spilt milk! Debauched and humbled, she is persuaded that her best course is to go to work and sustain a party, which will, perhaps, choose one of her sons to be President or vice-President, and others to be Cabinet officers and foreign ministers! — and yet even more, is being persuaded that it will be no dishonor to take to her bosom her greatest and most dangerous assailant, and in honoring him, to smother all regrets about her lost rights!

“Outside of the Democracy, in the South is another faction, which goes still further in its attempts to create a national party, in utter disregard of Southern rights, and the dangers menacing them. It is the faction of Botts, of Virginia, and Bell of Tennessee, who would ignore entirely the slavery question, and unite even with free negroes, if we are to believe Mr. Botts, to obtain possession of the government.

“The great mass of the State Rights men of the South, however, without distinction as to party affinities (including a large majority of the Southern Democracy), have declared for protection to the rights of the slaveholder in the Territories by law of Congress against Abolition legislation, and will sustain no party, be it national or sectional, which does not unequivocally avow this doctrine. I belong to that class; and am rejoiced to find that time has developed the fact that, in reference to the issues of slavery, patriotism and sound Constitutional views are confined to no one party in the South. The concentration of the Northern masses in favor of the principle of Abolition, and the fearful defection of Douglas and his twenty-one followers in Congress, on these issues, utterly crushing the ability of the national Democracy to protect the South, has convinced me that hereafter the South should place her reliance and confidence on herself alone — cheerfully receiving aid from any son of hers, who brings to her service integrity, good faith and sound views, no matter what party name he chooses to assume — and holding to strict accountability all parties in our midst. In my opinion, the stern

despotism, and exclusiveness and jealousies of party have contributed more to dissensions in the South on the question of her rights and remedies than any other cause, and I believe that the public mind of our section has arrived at that conclusion. It is a favorite maxim of the hour, and quite as much quoted approvingly by the mere partisan as by the single-minded patriot — ‘the union of the South for the sake of the South.’ And yet, what does it mean? Does it mean, ‘a union of the Democracy for the sake of the South against all other parties;’ or, ‘a union of all the elements of opposition to the Democracy for the sake of the South?’ I humbly think it means neither, but that in its spirit and letter it means, if it means anything, ‘a union of all the citizens of the South in defense of and for the sake of the South.’ But how can this desirable result be obtained if every man of character who entertains sound views on the slave issues is to be run down with abuse and ridicule by a partizan press, merely because he does not belong to a particular party in the South, or because, though a Democrat, he chooses to be a candidate independent of a party nomination? For myself, though I have never been in principle anything but a Democrat, I rejoice to find such numerous evidences of the spread of State Rights principles among the members of the party opposed to the Democracy, as is being exhibited every day in our midst, and whenever they take an open stand upon those principles in the cause of the South, though I should prefer that they should become Democrats also, I shall, nevertheless, in good faith hail them as brothers, ‘for the sake of the South.’ I say for myself, as has been eloquently and well said by another, that whenever on the great battle field where our rights are contended for, I hear a stirring bugle call sounding the charge, I shall not pause to inquire what is the motto upon the shield of the gallant champion who thus rallies his countrymen to the rescue — but I will ride by his side into the ranks of the foe, and thank him when the conflict is over. The interests of party may not be so well subserved by this course, but the interests of the South will be vastly promoted.

“Indeed, in my opinion, the South at this time is not so much in need of platforms or belief in correct principles, as she is sadly in need of true men in her councils. She has often

enough enunciated sound platforms and creeds, which have as often been frittered away and rendered valueless by compromises. What she requires is men of the right stamp in her councils — enlightened, conscientious, determined and able men, who know the interests of the South, and who can and will uphold them, without compromise, against all other interests, whether they be the interests of parties or of individuals at home, or of hostile sections. I do not desire to be understood as saying, that she has not such men now in her service. But I do say, that they are far too few for the occasion. The most of her Representatives are mere puppets in the show, made to wheel and dance as the party organists choose to grind the music; while others of ample ability and individuality are absorbed in their own personal advancement, which invariably requires a compromise of Southern issues.

“ You ask if I am a *disunionist*, *per se*. If by that is meant, am I in favor of disunion in preference to Constitutional Union, I answer that I am not and never have been. In 1850, I advocated disunion on three grounds, viz: That in the month of August of that year, the federal government had admitted California as a State, formed under the free soil process of Squatter Sovereignty, had dismembered the slaveholding State of Texas and annexed a part of its soil to the Territory of New Mexico, and had abolished the internal slave trade between the States and the District of Columbia; and had thus in effect destroyed the Constitutional compact of Union. The South, however, voted down the State Rights band with which I acted, and since then I have not again proposed or advocated such a measure. Upon that question I ‘bide my time,’ and shall be ready with the readiest; believing at the same time, that sufficient causes exist for a resort to that remedy, even now, if it were expedient.

“ There is one other question to which I will briefly allude: I refer to the foreign slave trade. The federal government is using its best endeavors, through its marshals and judges, to convict as pirates all who import African slaves into the country; to put in the penitentiary all who buy such when imported; and also to seize the slaves and return them to Africa, to be supported and educated for one year by our government. I am opposed to the whole system, in its details and as a whole.

I believe these laws to be unconstitutional, and in violation of the reserved rights of the States, and hostile to the true policy of the South. Congress has no power to enact them. There is in the Constitution no express grant of such power, and there is no express power there which cannot be executed, without implying the power to prohibit that trade. It is a settled rule of construction that Congress has no power, unless it be expressed, or if not expressed, unless it is necessary to be implied in order to carry out some express power.

“The power to prohibit that trade lies alone with each State, and is a reserved right of each State. An exercise of it by Congress is an invasion of that right. No one will contend that Congress had power under the Constitution to declare the slave trade piracy, before the year 1808. But yet, the power to define piracy, under which these laws are enacted, existed before the year 1808. How, then, can Congress declare that to be piracy after the year 1808, which it did not have the power so to declare before that year, under the same identical clause?

“Is the Constitution a fixed, unchangeable, immutable rule of conduct for Congress; or does it stretch, expand or contract, with each change of the temperature of public opinion? I am, therefore, in favor of the repeal of those laws. The federal government is now urging prosecutions throughout the South, for their alleged violation; and in my opinion, whenever that government shall obtain verdicts of guilty against any of our citizens, and shall succeed in hanging them or sending them to the penitentiary, either for bringing African slaves here, or for buying and selling them in our midst, the successful march of Abolitionism will have commenced on our very soil, and the public spirit of our people will have been utterly destroyed. With Abolition successful in our Territories — with the slave trade abolished between the States and the District of Columbia — with the navy employed to arrest the slave trade at sea, and federal judges and marshals preaching semi-Abolition doctrines in our midst, and imprisoning our people who buy African slaves, and the President drawing from the Treasury hundreds of thousands of dollars, with which to send these slaves back to Africa as freemen, and to educate and feed them there for one year, the South may at once give up the struggle and

consent to linger out a poor existence, on the bounty which Abolition may allow her.

“That it is the duty of every good and enlightened citizen of the South to use his utmost endeavors to prevent so dire a result, I have not any doubt.

“As to re-opening the African slave trade, that is a grave question of the highest political and economic import, and should be decided alone by the several States — each for itself, and with reference alone to the industrial interests of each. The time for its decision has not arrived, and as I have formed no opinion upon its expediency with that thoughtfulness which its great importance demands, I will not discuss it here.

“Very respectfully,

“Your fellow citizen,

“WM. L. YANCEY.”

The more notable political events, of 1859, were — the treason of John Brown; the publication and diffusion under the patronage of the Republican leaders of an incendiary book, written by one Hinton Helper, of North Carolina, instigating the slaves to revolt; the protracted revolutionary scenes in the federal House of Representatives, which terminated in the election of a Republican Speaker; the speeches of Mr. Yancey, in South Carolina, preparatory to the forthcoming Charleston Convention; his candidacy for the United States Senate and the election of a Legislature, in Alabama, as the final triumph of his leadership, which put in motion, in his own State, in advance of all the Southern States, his political policy.

Andrew B. Moore, Secessionist, was re-elected Governor, in 1859, without opposition, except that William F. Samford, Secessionist, made an ineffectual contest for the office. The Representatives chosen gave to the State the ablest delegation, perhaps, which had served for many years — Stallworth, James L. Pugh, David Clopton, Sydenham Moore, J. L. M. Curry, Houston and Cobb. In the Montgomery District, where Dowdell, Secessionist, had defeated Judge, in 1857, by only sixteen votes, Clopton, Secessionist, defeated Judge by a majority in excess of two hundred.

John Brown was a native of Connecticut, of humble origin, limited education, a zealot by nature and, by occupation, a peripatetic preacher of the gospel. At an early period of his

career he was associated with Gerrit Smith, in providing a refuge of concealment for fugitive slaves, on some of the latter's lands in the upper part of the State of New York. He was employed by the Abolitionists to foment discord in Kansas. The peculiar zest with which he performed acts of arson and murder there, established a high reputation for him with his employers. In 1857, he returned to New England, resolved to devote himself to the enterprise of insurrection in the slave States. He was received by the leading Abolitionists with open arms, and, with secret enthusiasm, they entered into his scheme. "My husband told me (declares Mrs. Julia Ward Howe), in 1857, of a very remarkable man who, he said, seemed bent on sacrificing himself for the colored race, as Christ sacrificed Himself for the human race. 'You will hear of him one day (said Dr. Howe); meantime, you are not to mention what I have told you.' He had not told me the name of this person. In the summer of that year, he asked me whether I remembered his mention of this man. I replied that I did. 'He will come to this house this afternoon (said my husband). You will see him. His name is John Brown.' He did come and I remember him as a man of middle height, thick set, his hair and beard, of an amber color, a little touched with gray. His face was grave, resolute but kindly. I had the pleasure of taking him by the hand, but our conversation was brief and unimportant. Yet even this meeting with him had, in my eyes, a certain solemnity."\*

Male and female instigators of Brown's scheme in secrecy assisted him. They gave money and counsel.†

Brown never relaxed. He spent two years in puerile preparations, drilling, in Iowa and at other points, a score of men, one or more of his sons of the number. At Collinsville, Connecticut, he placed a contract with a blacksmith for the manufacture of 1,000 pikes of an original pattern. At Rochester, New York, he drafted a Constitution and By-laws for the government of conquered slave States. The property of the massacred whites, their money, plate, watches, jewelry were "to constitute a liberal safety or intelligence fund." From Canada and the free States an army of blacks would rush to

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\*Mrs. Julia Ward Howe in *Cosmopolitan Magazine*, 1889.

†Nicolay and Hay's *Life of Lincoln*.

his standard ; mules, transportation and commissary supplies would be brought into his camp from the plantations by the fleeing slaves. These general plans of operation were explained to the founders and leaders of the New England Anti-Slavery Society and were accepted by them, not because of their practical wisdom in the execution of a purpose, the logical conclusion of the work of the Society, but because the attempt of Brown's expedition would assuredly precipitate more important movements in the same general direction. Brown, under false pretense, rented a farm on the Maryland side, opposite Harper's Ferry, went there with his men, and transported there rifles, pikes, tents, and other military supplies. Sunday evening, October 16, after dark, with a one horse wagon containing pikes for the use of slaves and with eighteen armed followers, he started for the contemplated attack on the United States Arsenal at Harper's Ferry. The Arsenal was captured, easily, at 11 o'clock the same night. Citizens were taken prisoners in the town and a squad of his men went five miles into the country, capturing prominent slave owners. At daylight, Monday morning, the cause of the excitement was revealed. Firing began between citizens and the invader's sentinels, posted here and there. By noon, Monday, the militia were victorious over all Brown's squads scattered in defensive positions, and a number had been killed and wounded, on both sides. Monday night, Lieutenant-Colonel R. E. Lee, of the federal army, arrived from Washington in command of eighty marines. The doors of the Arsenal were battered down by his men. One marine fell from the fire within. Brown fell, severely wounded by bayonet and sword thrusts, two of his sons were slain, and all in the Arsenal were captured. The blacks remained perfectly unmoved, to the amazement of their would-be leader and the Abolitionists who had promoted the invasion from a distance. Brown was a typical Abolitionist. A fatalist, he declared he had no compunctions of conscience to rebuke his course—that what he had done and intended to do, “ was decreed to happen ages before the world was made.”

The battle on Kansas soil was transferred to Virginia, and Brown's invasion was so accepted by the people of the North. Two of his followers, escaping, were captured and placed in



prison at Chambersburg, Pennsylvania, where Alexander K. McClure, a young lawyer of highest respectability, resided. McClure's wife, and a female companion, prepared to enter the prison, carrying woman's apparel in which to disguise the prisoners, take their places in the cells and send them forth, free men. The prison keeper was privy to this deliberate prostitution of the most vital of the laws of civilization, which was stayed only by the unexpected celerity of approach of federal officers in pursuit of the fugitives.\* Brown and his active co-adjutors in treason were the founders of the Republican party and even now held its fate in their keeping. The party, supported chiefly by Brown, had defied the federal authority in Kansas and had conquered that State. Now, on the eve of the regular quadrennial party contest for the administration of the government and the control of the army and navy, Brown's raid was a bold notice to the people of the free States of the purpose of the Republican party to conquer, after methods of its own, and to destroy the social fabric of the slave States. Amidst the unmistakable signs of on-rushing revolution must be accounted the unbroken silence of the entire population of the free States in the presence of the events at Harper's Ferry. No note of public protest went forth from any political party, or town meeting. On the other hand, many individuals, in all parts of the free States, to whose teachings in philosophy, and morals and statecraft the people of the slave States had, from the earliest periods, been bounden, were outspoken in praise of Brown. Emerson declared the fanatic outlaw "a new saint, waiting yet his martyrdom, and who, if he shall suffer, will make the gallows glorious like the cross;" "the lesson of the hour is insurrection," proclaimed Wendell Phillips;" "the road to heaven is as short from the gallows as from a throne, also, as easy," exclaimed Rev. Theodore Parker. The Virginia Court ordered his execution and that of others, his followers, on December 2. On that day the Abolitionists went into formal mourning. At Boston, the great church of James Freeman Clarke was opened for appropriate services, the building darkened, save as the low burning gas cast a weird light over the crowded benches. Melancholy sounds, ever and anon, broke from the lips of the congregation,

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\*A. K. McClure's narrative. *Lippincott's Magazine*, 1884.



while very many were moved by the spirit to cry aloud in agony. At length the congregation was disturbed and the ceremonies dissolved by the inrushing of young men, of the upper class of Boston society, resolved to protest, even so rudely, against the burlesque on sacred rites. Congress met, and it was at once discovered that the Abolitionists there were far from feelings of resentment against Brown. The ominous silence of the people in the free States alarmed the ardent Unionist, Mr. B. F. Perry, of the South Carolina Senate. In his deep mortification, he introduced resolutions in that body inviting public attention to the national disgrace. Perry's resolutions quickly aroused the Democrats of the North to a sense of their dependence on the outraged slave States, and thereupon broke forth a general demonstration of indignant protest against Brown. In the Senate, Mr. Douglas promptly introduced a bill to take federal cognizance of all disturbances like Brown's; "that Congress shall pass efficient laws for the punishment of all persons, in any of the States, who shall, in any manner, aid and abet invasion or insurrection in any State, or commit any other act against the laws of nations tending to disturb the tranquility of the people or government of any other State." The Republicans received news of the bill with jeers, in all parts of the free States; Massachusetts elected John Albion Andrew, the eulogist of Brown, Governor; the leading apologists of Brown, in Brooklyn and New York, summoned the ductile and astute Mr. Lincoln from the West to speak on the situation, at Cooper Institute, and there he ridiculed Mr. Douglas' measure as a "sedition bill." With characteristic adroitness, Mr. Lincoln ingrafted the grateful narrative of Brown's enterprise into the purview he presented to his select Republican audience, of Republican party tests and prospects. It was the February succeeding the raid in October. Public opinion had had time to reveal itself. Had Brown committed treason? Mr. Lincoln, speaking in New York, in the interest of the Republican party labors toward an organization on distinct issues, in Pennsylvania, for the campaign of 1860, did not term Brown's act treason. Had Brown led a rebellion in seizing an arsenal of the United States by an armed force, or committed murder in shooting down, without warrant, citizens of the United States in their homes, Mr.

Lincoln, throughout an elaborate discussion of the facts, did not so pronounce. He said the time was inopportune and might never arrive for such an enterprise; the slaves could never be organized to assist it, and hoping to the contrary, Brown had fallen into a great mistake. His words were:

“Occasional poisonings from the kitchen, and open or stealthy assassinations in the field and local revolts extending to a score or so, will continue to occur as the natural results of slavery; but no general insurrection of slaves, I think, can happen in this country for a long time. *Whoever much fears or much hopes for such an event, will be alike disappointed.* \* \* Orsini’s attempt on Louis Napoleon, and John Brown’s attempt at Harper’s Ferry were, in their philosophy, precisely the same. The eagerness to cast blame on old England in the one case, and on New England in the other, does not disprove the sameness of the two things.”

Whether the state of affairs which impelled Orsini or Brown to act was desirable or to the contrary, Mr. Lincoln was silent. Mr. Lincoln’s appreciation of his party bias, in respect to the act of Brown in 1860, has been in later years interpreted by the most pronounced eulogists of his public acts and the most authoritative recorders of the purposes of his party. While these lines are written, an exhaustive and friendly “Life of Lincoln” appears in the book stores, ten volumes, copiously illustrated, the joint work of two of the leader’s private Secretaries. Three actors in Lincoln’s time are chosen, besides himself, for exceptional pictorial favors, a handsome portrait of each impressing the reader with the suggestion that four men, in the same era, were determinate characters of the events, whose occurrence the text extols. Four men are associated thus in history as co-laborers with a common purpose, and these are: (1) Abraham Lincoln, the combiner of forces, made ready for his application; (2) Henry Clay, the author of the last of the two Missouri “compromises,” intended to subdue a State and put in motion a new theory of centralization, and the author of a federal fiscal policy calculated to divide society into the favored and the oppressed class; (3) Zachary Taylor, the Executive who first employed the sword to determine a political question being debated in Congress; (4) John Brown.

Mr. John Sherman was the Republican party caucus nominee for the Speakership of the federal House. He, with a large majority of his party followers, seventy in all, had made

a formal endorsement of Helper's book, "The Impending Crisis," and the book committed the Republican party to "no co-operation with slave holders in politics; no fellowship with them in religion; no affiliation with them in society; no recognition of pro-slavery men, except as ruffians, outlaws, and criminals." The Abolitionists were advised, in its pages, to land organized bodies of armed men on Southern soil, to conquer the whites by aid of the blacks and "to teach the slaves to burn their master's buildings, to kill their cattle and hogs, to conceal and destroy farming utensils, to abandon labor in seed time and harvest and let the crops perish." This publication was adopted as a campaign document by the Republican party, in 1859 and 1860, and was freely distributed by the campaign fund of the party in the free States. The organization of the Republican party was not yet complete. Mr. Sherman was radical. After the contest under his leadership had progressed long on the floor of the House, with no sign of termination, his name was withdrawn and, that of another having been substituted, his party inducted its nominee into the office.

At the spring, 1859, term of the United States Court, sitting at Montgomery, Charles G. Gunter, foreman, and fourteen others of the Grand Jury, reported the peace of the country disturbed by the nullification acts of fourteen free States, against the fugitive slave law.

There were three candidates before the Legislature of Alabama when it met, in 1859, for the Senate. Walking away from the Capitol with his personal friend, Watts, Yancey said: "What think you of the standing of the candidates?" "Fitzpatrick will lead you," was the reply. "Why?" "Because you are not working for an election; you seem to know none of the members; Fitzpatrick knows everybody." The advanced Southern Rights men of Alabama, supported by men of the same political faith in other States, demanded the candidature of Mr. Yancey, hoping that in his election to the Senate he would be able to present the argument of the South to accomplish the organization of the South. He did not aspire to the office, but consented to allow his name to come before the Legislature. The third candidate, Mr. John A. Winston, was a Douglas Democrat. If a Black Republican

should be elected to the Presidency he would favor a Southern Confederacy. "Nor shall I have any of the fears in that event (he wrote) which seem to haunt those who croak at every thing like Southern independence, and equality and capacity for self government. On the contrary, I shall expect to be a citizen of the most prosperous government the world ever saw." No ballot was taken for Senator. The politicians were alarmed. The failure of the Democratic Legislature to chose Yancey to the Senate, in December, 1859, and the alacrity with which the State convention of the Democratic party, virtually a convention of the whole people, the next month gratified his wishes, in every particular, with unanimity, is one only of the examples, which adorn his career, of the superior confidence of the people in him.

## CHAPTER 19.

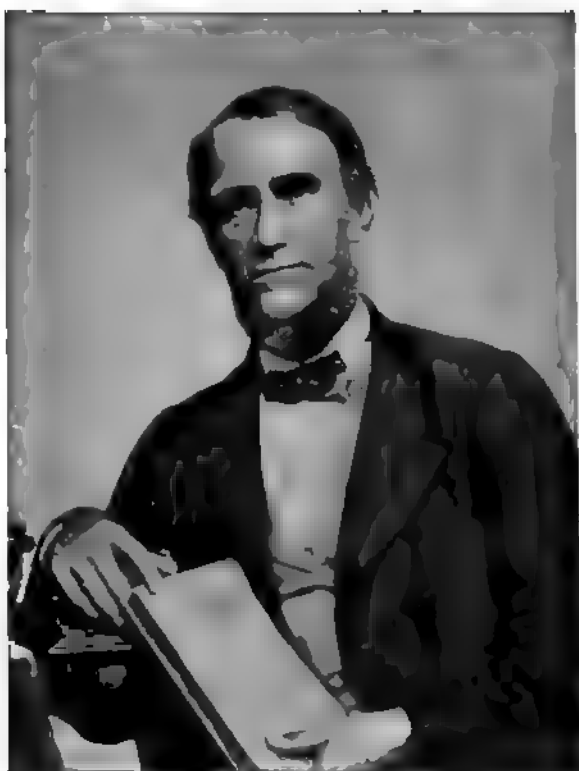
### The Man and the Advocate.

Mr. Yancey lived in good style on Perry street, the residence thoroughfare of Montgomery. His premises were unusually spacious and were kept in perfect order under his own eye. He introduced as much of country privileges and enjoyments into his home, as the proscriptions of the town permitted. He maintained there a public dairy, for the profit and also for the gratification of his taste for the care of live stock. He kept a number of select breeds of dogs; trained to meet him daily at the gate. Often, at the noon recess of the courts, he sought rest at home, fondling the cattle in their lots, with a troop of pet dogs at his heels. He rose habitually with the sun, drove, as a daily rule, rapidly to his farm to give instructions, and, returning to breakfast, appeared at his law office for the day's work. His only extravagance of personal gratification was in fine horses, kept for his own use. A contemporary remembers, that, in 1860, when all America awaited Yancey's utterance, the orator drove into Union Town, where a large company awaited his speech. A bystander directed his attention to the congregation already at the stand, in the distance, and the offer of an escort to the position was made. "Not immediately (was the response). I wish to see that my horses are properly cared for before the meeting is called." His income was divided between the support of his family in a high degree of comfort, the education of his children in the best schools and colleges, and the improvement of his farm. An architect had furnished plans for a handsome residence to be built on the farm, where he intended to take up his permanent



*H. Johnson -*





*H. Tutwiler*





abode. An orchard for the market and other sources of income from the land had been put under way, and it was his anticipation to resume agriculture, as his main employment, at the earliest practicable moment.

Yancey's domestic life was singularly happy. His devotion to his wife never wearied; his affection for his children was tender and ardent. On the fly leaf of Kane's Arctic Exploration he wrote: "A Christmas Present to my son William: May he learn from these pages lessons of patience, fortitude and reliance on Divine Providence in all trials." Soon after removing to Wetumpka he joined the Presbyterian Church, attended its services regularly and obeyed its discipline. He led, at home, in family worship, regularly, evening and morning. Returning from a summer's tour with his wife and daughter, he checked his carriage at his pastor's door that he might make a hasty call of respect within. Wine was served at his table, but his temperance in use of it was never broken. "If you would know the loveableness of his heart (wrote a clergyman of a church not his own) you must sequester him and the heart is sure to respond. Though not the belle-lettre scholar Mr. Hilliard was known to be, he was cultured far beyond his seeming. If beauty or sublimity came under discussion, he was sure to take a scholarly part. If heroes or heroines were being analyzed, he spoke with wisdom and often with thrilling force."

The income of lawyers, taxed, in Montgomery county, for the year 1859, was \$116,222. The tax return from no other county was so great. The causes were mostly confined to wealthy clients, for the laborers were slaves. Few corporations existed. The conditions of society were favorable to the elevation of the bar. The lawyer was engaged in a profession, rather than employed at a "trade." The qualities of a statesman were essentially the qualities of a lawyer. The lawyers of Alabama, who reached fame and fortune, were great advocates. *Lucubrationes viginti annos* was none the less a condition. Patience, industry and a retentive memory brought to bear upon a thoroughly artificial system, built upon artificial doctrines and precedents, were not less essential qualities of the lawyer here than elsewhere. Nevertheless, there was here a peculiar pressure of reputation, as an advocate, which

controlled public patronage of the profession. Perhaps there was no example of social organization where a lawyer was more called upon to discuss great public questions before the people than here.

There was an interval of seven years between Mr. Yancey's preparation for the bar, at Greenville, South Carolina, and his entrance upon the practice at Wetumpka, Alabama. As cotton planter, newspaper editor and public orator, meantime, he became thoroughly familiar with the structure of society, the lives of individual men in the community, in which he was to pursue his profession, and the practical operations of government, whence emanated the statute laws. At the age of twenty-seven he began the practice with an established reputation as an orator and a man of extraordinary native ability.

The law firm of Elmore and Yancey was second to none in reputation in the Southwest. Yancey's labor in politics from 1846, when he entered the partnership, up to 1856, while arresting national attention, had not seriously interfered with the duties of his profession. The Bench and Bar of the South West, a history prepared by Henry S. Foote, a bitter political foe, referring to Yancey in this period, declares: "In a few years his fame as a jurist and as a forensic advocate was widely diffused and he attained such a degree of intellectual culture as placed him far beyond the reach of local rivalry."

"Let Yancey talk two hours with Elmore upon a case, and then rise in Court to argue it, and he made the clearest and most delightful forensic address I ever heard," said one of the most learned of his brethren of the bar, Judge William M. Brooks. "From my youth up I heard Mr. Yancey's wonderful oratory in Nisi Prius Courts and in the Supreme Court of Alabama. It is one of the peculiarities of genius to fail occasionally in command of native powers. Mr. Yancey was an exception to this rule, for though his genius was undoubted, in the true acceptation of the term, he never failed. Sometimes, on great occasions, he rose superior to himself, but he never fell below the standard of his own rare excellence," said Malcolm C. Graham, lawyer and statesman. "I first saw Mr. Yancey at the bar (wrote Chief Justice Stone, of Alabama) in a trial over which I presided. Two families occupied apartments in a building at a watering place. One was in good circumstances,

the other was poor. The wife in the wealthy family was healthy and robust; in the poorer, in feeble health. Mr. Yancey, as attorney, brought suit in favor of the husband and wife of the poor family against the husband and wife of the rich for alleged assault caused to be committed by the wife of the latter upon the wife of the former. The testimony tended to show, that a quarrel had arisen between the two wives, caused by their children, and that the rich woman had commanded her servant, a negro man, to throw the other woman over the hand rail of the second story gallery of the building, a summer resort. It further tended to show, that the servant so far obeyed the order of his mistress as to seize the woman very rudely, and was proceeding to execute it, when some gentlemen appearing in sight, his mistress ordered him to desist, which he did. The defendant's testimony differed essentially from this. Mr. Yancey's fame as an orator had become widely known and the court room was packed to its utmost capacity to hear him in this somewhat celebrated case. He commenced, as I afterwards learned to be his custom, by renouncing and eliminating every minor or severely disputable conclusion of fact, which weaker advocates are apt to argue, as grounds for a recovery. He then stated clearly and distinctly the propositions of fact which he contended the testimony established; and ingeniously and ingenuously dissected and collated the testimony in such manner as almost to force the conviction that his contentions were just. To say that his speech was a powerful one is meagre praise. His voice was music's self. The vast audience maintained a deathlike silence, while the jury sat almost as motionless as statues. So impressed was I with the fear that the jury would be swerved from their proper poise, I felt it to be my duty to caution them not to allow their feelings to carry them beyond what their judgments would approve. The verdict, for the times, was a large one for the plaintiff. Mr. Yancey had an imperious will, which sometimes led him to assume attitudes of questionable benefit to his case, but no man was freer from quibbles or the tricks which sometimes degrade the holders of law licenses."

Ex-Governor Thomas H. Watts, the political opponent, generally, the brother at the bar and always the personal friend of Yancey, wrote of him: "Elmore was one of the

greatest lawyers I ever met. I never knew anybody who surpassed him. Yancey was his partner, and it was not necessary that Yancey should go to the books, as he must and would have done, had he been left entirely to his own resources. Yancey was a wonderful man before a jury and before a court. He had as much power over juries as he had over public audiences, in his political speeches. As an advocate he was unsurpassed. I will not say he was as complete a lawyer as any man I have ever known. I do say I have never seen him surpassed, before a jury. There was a charm in his oratory peculiar to him, and I have asked, myself, '*What is it?*' It was not wholly in his arrangement of facts, yet in this he was a master. It was not in his power of analysis, though in that he was great. But he was a man of remarkably fine presence before a jury. There was the charm of his sweet and mellow voice—every word and every syllable of every word so clear, and in conversational tones, that he was heard distinctly in the largest room. He was always deeply in earnest, and I must say that he fell into the rule, consciously or unconsciously, adopted by the famous Garrick—he spoke truth as if it were truth, and as if he felt, in the deepest recesses of his heart, the full measure of the words he used. In that way, in my opinion, he manifested his magical power. He did not use many adjectives. Yancey's fiery temper sometimes got the better of his judgment. In social life he was very affable, and was a fine conversationalist, in the company of his friends."

Governor Watts also relates the following incident of a case in which he jointly appeared with Yancey. In the Know Nothing party excitement, Foster, a young man lately arrived at Montgomery, from Pennsylvania, a clerk in a drug store, shot and killed, in a bar room, an Irishman, Thompson, a waiter in a hotel. Foster was able to pay a good fee, assisted from home. He employed Yancey and Watts to defend him. Judge George Goldthwaite, formerly of the Supreme Court, assisted in the prosecution, having been retained by the Irish residents of the town. Montgomery county was a Whig stronghold, and to empanel a jury for the case who would rise above the political feelings of the day was quite a consideration. The political prejudices involved and the array of eminent counsel attracted the planters from the surrounding

territory, and the large court room was packed, even in standing room. When it was seen that the Know Nothings prevailed on the jury, this fact gave intensity to public feeling. It was agreed that Goldthwaite should open for the State and Yancey should follow for the defendant. Goldthwaite's friends were extremely delighted with his speech; all declared he had never been so happy and the argument was surely with him. Yancey spoke four hours. "I venture to say (said an eye witness) not an individual left the house. The Judge and the jury were spellbound." He painted a glowing picture of a young American standing, unoffending, on his native soil, grossly insulted by a foreigner, fresh from the most oppressed land of the earth. The jury promptly brought in their verdict, "not guilty."

Traveling the circuit was an interesting experience in a lawyer's life, in Yancey's time. Some journeyed on horseback, with saddlebags, the thirty to fifty miles from Court House to Court House, each Court holding one or two weeks; some, as the country roads improved, with time, drove their teams. All put up at the same cheap hotel, two, four or six in the same sleeping apartment, two in a bed. Yancey boasted himself the best "whip" on the road. Driving slowly for a few miles, it was his wont to give the rein to his team, thereafter, pass his associates of the bar, with jests thrown back at their slow progress, and so draw up at the tavern in time to arrange his papers before their arrival. Not infrequently, on the Monday night, before the court had organized for its work, he was compelled to speak on political topics, and occasions of this kind constituted no small part of his instructions to the people. On one occasion, in the Polk campaign, he arrived at the capital of Macon, a rich county, late in the afternoon. The County Convention of Democrats was in session, and appealed to him by committee to address them, after tea. He declined, on the plea that professional labors would require his attention at that hour. The convention at once resolved, although its work was complete, to adjourn until the next evening for the special purpose of hearing him. A correspondent, writing of the event, said: "I am unable to employ words to describe Mr. Yancey's speech here last night. It was all argument, but it was argument instinct with life and spirit. It was not

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only solid, it was shining—just as sparks ascend from the anvil under the blows of the skillful smith.” Whenever it was known that he would argue an important case in court the room was crowded to its utmost capacity with the people, while the lawyers filled the bar. Judge, jury and spectators dwelt with insatiate eagerness upon his words.

In 1860, after Mr. Yancey had practically surrendered himself to the public service, he retired from the co-partnership with Mr. Elmore and formed a like connection with the eminent jurist, lately Chief Justice of the State, William Parrish Chilton. The firm of Chilton and Yancey consisted of W. P. and Thomas Chilton, son of the senior, and W. L. and B. C. Yancey, father and son. After a few months, W. P. Chilton, Jr., was admitted to its membership. The part Mr. Yancey took in the business of the new firm was necessarily limited by his political labors.

## **CHAPTER 20.**

# **The Southern Argument.**

1860.

Another quadrennial season of contest for the Presidency arrived. Rival parties were, with common consent, expected to state the plea of sections. The normal attitude of the slave States in this crisis of the national life, will be the theme of this Chapter. It is to be found in the moral responsibility of a happy and progressive social system to its sources. This patent fact of responsibility impelled the slave States to demand the assertion of certain propositions, as the basis of the teachings of the national Democratic party, preliminary to the pending election :

1. The adjudicated rights of the institution of African slavery in the origin and authorized interpretations of the principles of the federal government ;

2. The self-sufficiency of the society of the slave States to fulfill their federal obligations ;

3. The evolutionary character of the institutions of the slave States, presenting indubitable evidence of adaptation to the most enlightened theories of progressive social organism.

The earliest national adjudgment of the rights of masters of slaves, in free America, was incorporated in the first national act. The Declaration of Independence lodged complaint against the king of England, alleging his interference between master and slave. The treaty of peace with the mother country demanded the restitution of slaves the British army had carried



off. The Congress of the Confederation, on a report of Alexander Hamilton, passed a resolution, August 26, 1788, nearly a year after the Constitution had been framed, but before the government under it had gone into effect, requiring the Secretary of the Department of Foreign Affairs to communicate with his Catholic Majesty, the king of Spain, representing to him "the inconveniences which the States bordering on his dominions experience from the asylum afforded to fugitive negroes belonging to the citizens of the said States; and that Congress have full confidence that orders shall be given to his Governors to permit and facilitate their being apprehended and delivered to persons authorized to receive them; assuring his Majesty that the said States will observe the like conduct respecting all such negroes belonging to his subjects, as may be found therein." Hamilton, Sedgewick, from Massachusetts, and Madison made the report to the Congress. The adoption of the report, after the fugitive slave proviso of the Ordinance of 1787 had taken effect, and after Paragraph 3, Section 2, Article IV, of the Constitution, had been adopted, may fairly stand as the fact inferentially constructive of the same provision in the two documents. It is well worthy of notice that this report, coming from the most eminent statesmen of both the Navigating and the Agricultural States, did not pledge the federal government, or the federal officers, to return to Spanish authorities in Florida fugitive negroes, but pledged "*the said States*"—the separate States, that happened to be near the Spanish possessions—to reciprocal acts of comity touching the return of that kind of property. At a future day, to be presently discussed, great confusion arose in Congress and in the Courts respecting the assumed right of the federal government, under the fugitive slave provision of the Ordinance and of the Constitution. The discussion, in its time, received impulse from the novelty of the attempt of the federal Constitution to dispose of the fact of African slavery. The history of all monarchies, republics and confederations had been searched, and the speculations of political literature had been exhausted to suggest theories for an American government. So it happened, that the provisions of the Constitution, relating to the African race, came to be the only essentially original features of the instrument. In the task of adaptation of the African to

civilization there was no precedent to draw upon. The debate, nevertheless, in the Convention on the subject was in good temper. Virginia, not yet a slave breeder for market, demanded the immediate suppression of importations; Massachusetts, not yet ready to surrender the profits, demanded unlimited pursuit of the trade. Mr. Roger Sherman, from Connecticut, said :

“ As the States are now possessed of the right to import slaves and the public good did not require it to be taken from them, etc., he thought it best to leave the matter as we find it.”

Mr. Oliver Ellsworth, from Connecticut, said :

“ He was in favor of allowing every State to do as it pleases. The morality or wisdom of slavery were matters belonging to the States themselves. If the question was to be considered in a moral light, we ought to go farther and free those already in the country. As slaves multiply fast in Virginia and Maryland it is cheaper there to raise than to import them, whilst in the sickly rice swamps foreign supplies are necessary. If we go farther than is urged, we shall be unjust towards South Carolina and Georgia. Let us not intermeddle.”\*

Mr. Rufus King, from Massachusetts, thought the question should be considered in a political light only, but that the exemption of slaves from import duty seemed to be a discrimination in favor of Southern imports “that could not fail to strike the Northern and Middle States.” Mr. Gouverneur Morris thought the question “might form a bargain among the Southern and Northern States.” The whole question relating to the African slave trade was put in charge of a committee. Their report forbid Congress to interfere with the trade “prior to the year 1800.” Mr. Charles Cotesworth Pinckney, from South Carolina, moved to amend to make the date 1808. Mr. Madison said twenty years of the trade would do all the harm that could be done. The amendment was accepted, and the report, thus amended, was passed, all the New England States, except Rhode Island, which did not appear, voting yea, assisted by Maryland, the two Carolinas and Georgia, seven. New York did not vote. Against the amended report New Jersey, Pennsylvania, Delaware and Virginia, four, voted. After the adoption of the slave trade provision, Mr. Elbridge Gerry, from Massachusetts, moved to reconsider Article XIX, referring to

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\*Madison Papers, Vol. III., p. 1391 *et al.*

amendments to the Constitution. He proposed so to alter it as make safe the State Constitution as against any possible act of the federal government. While Mr. Gerry's motion was being considered Mr. John Rutledge, from South Carolina, said: "He never could agree to give a power by which the Articles relating to slaves might be altered by the States not interested in that property." It was thereupon agreed that the following words should be added to the provision relating to amendments: "*Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect" the provisions relating to the African slave trade. The vote on Mr. Rutledge's motion to prohibit any amendment, hostile to the trade, prior to 1808, stood: Massachusetts, Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, nine, aye; Delaware, nay; New Hampshire divided, and New York not voting. Mr. Luther Martin, writing to the Legislature of Maryland, explaining the work of the Convention, said: "I found the Eastern States, notwithstanding their aversion to slavery, very willing to gratify the Southern States, provided these in turn would lay no restrictions on the Navigating Acts." In the debate, negroes held to service were spoken of as "slaves" and as "property." In the debate which resulted in the provision relating to enumeration of persons for apportionment and taxation, negroes of that class were spoken of as "slaves" and "property." In the 54th Number of the *Federalist*, written by Mr. Madison to explain the relation of slaves to the Constitution, before the States had consented to ratify it, and to prevail with the Southern States to ratify, he refers to the Africans held to service as "slaves" and as "property." "The federal Constitution, therefore, decides with great propriety on the case of our slaves, when it views them in the mixed character of persons and of property," he wrote. These citations are sufficient to show that the founders of the government of the United States considered slaves as property; and consented to the increase of their number, by importation; and provided for the protection of slave masters in their rights of possession. They are sufficient also to show, that the Constitutional rights of slavery were founded on compromise or

“bargain” made between the Navigating States, then preparing to abandon the institution, and the Agricultural States preparing to enlarge and perpetuate it, as a basis of Union.

The Legislative Department of the federal government, at divers times and in various acts, recognized the property status of the slave.

The conventional guarantees of slavery were sustained by an unbroken series of judicial decrees from courts of last resort, beginning at an early period of the government and continuing until the sword extinguished the institution. So far as the question was connected with history, its precedents and analogies, and so far as the best commentators and expounders had established general principles, the institution in the Southern States could safely be expected to run its course and reach its natural end as it had done, under the Constitution, in the Northern States.

One, Prigg, seized a female slave escaped to Pennsylvania, and returned her to service whence she had fled. The legality of the seizure, made without warrant of arrest or other authority in law save the fugitive slave provision of the Constitution and the act of Congress, of 1793, came before the federal Supreme Court. In *Prigg vs. the Commonwealth of Pennsylvania* (XIV Peters), Justice Story pronouncing the opinion, the Court held, following a citation from Blackstone:

“Upon this ground we have not the slightest hesitation in holding that, under and in virtue of the Constitution, the owner of a slave is clothed with entire authority in every State in the Union to seize and recapture his slave whenever he can do it without any breach of the peace or any illegal violence.”

The importance of the decree in this case was seen in the immediate consequences. Its political aspect appeared under two heads. The free States rose in indignation against the principle laid down, that no legislation, anywhere, was necessary to enforce the right conferred upon masters, under and in virtue of the Constitution of the Union, to seize their fugitive slaves in any State. The decree of the Court, thus far, was in full accord with the report of Hamilton concerning the “fugitive negroes” and reciprocity of favors with the Spaniards, in Florida. Great was the delight of the free States when the Court held the fugitive slave act, of 1793, unconstitutional.

The decree in this respect, however, was based upon the highest State Rights doctrine. It held that Congress, the mere agent of contracting sovereigns, could not enter their respective bounds to compel the Executive and Judicial officers of the sovereign to execute the compact. As the act, of 1793, required the federal government to return fugitive slaves, the Court held the act to be an invasion of the right and duty of the States, under the Constitution, to do the same thing. The free States at once repealed their laws, requiring their officers to assist federal marshals in arresting fugitive slaves, but they failed to adopt the reasoning of the Court, that each State, in its individual capacity, was bound, by the federal Constitution, to return fugitive slaves. After the passage of the "compromise," of 1850, amending the act of 1793, Mr. Seward traversed the West, speaking to the people in many places. In Ohio, he said :

"Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind, except you, esteem that hospitality a virtue. I say extend a cordial welcome to the fugitive who lays his weary limbs at your door and defend him as you would your household gods."

The impassioned speeches of Mr. Seward in the West, Mr. Sumner in the East, Messrs. Wade, Hale, Giddings in either House of Congress, in conflict with the decrees in the Courts of last resort, State and federal, led people and States into open rebellion. Not only did the free States repeal their previous statutes providing aid to the federal authorities in the capture of fugitive slaves, when the decree in the Prigg case was rendered, but they substituted for them statutes calculated to encourage fugitive slaves to seek asylum in their bounds. Mr. Seward did not pretend to found his counsel upon the Constitution, but Mr. Sumner and others of the Abolition orators were less candid. They cited the Constitutional guarantee declaring the object of government to be security to life, liberty and property, until deprived by due process of law ; the right of trial by jury ; exemption from seizure, without warrant supported by oath or affirmation describing the person or thing to be seized. It is true Justice Baldwin decided, in the case *Johnson vs. Thompson*, heard in the federal Circuit Court of Pennsylvania, that "the foundations of this government are

laid and rest on the rights of property in slaves and the whole fabric must fall by disturbing the corner stone"; that Chief Justice Taney held, in the Dred Scott case, that the Constitution was made by the white people of America for them and the successors of their race, and that the negro was contemplated by it as a slave only. To these arguments answer was made, that freedom in a free State was universal and indisputable, unrelaxing because of color or previous condition, to which every man was entitled, *prima facie*, and that the fugitive slave provision of the Constitution was itself irreconcilable with the Declaration of Independence and the objects for which the government was established.\*

In the season of reorganization, of 1860, the slave States proposed to commit the Democratic party to the universally accepted doctrine of publicists that the king was not owner of the public property, to dispose of it at his pleasure; but, to the contrary, the natural equity of public enjoyment attached to the thing acquired by the common blood and treasure of the people. This proposition became pertinent, because of the intensely perverted practices of the Republican party, derogatory of the fundamental principles stated. Among the essentially federal, or State autonomous, features of the federal compact was the provision:

"A person charged with treason, felony or other crime who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

So thoroughly was the *compact* nature of this provision preserved in the phraseology, that the word "Congress" does not appear in it. The provision was, indeed, taken from an established law of nations to protect feeble powers against riotous or revolutionary characters, subjects of strong powers, without a resort to hostilities. But the compact provision was forgotten in the sacredness of its obligations when, as early as 1838, Governor Seward, of New York, refused to deliver up a person charged with felony in another State and who had escaped, because the crime charged was theft of a slave, a species of property not recognized by the law of New York.

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\*Speeches of Charles Sumner, Horace Mann, and others.

The Governor of Ohio and the Governor of Maine refused like requisitions, on the same ground.

The second proposition, that a moral obligation rested on the slave States, in 1860, to protect the sources of their phenomenally prosperous and happy social existence, will now be considered from data drawn from the only available supply—the official records of the federal government; and thus it will appear that a higher general prosperity prevailed, at that time, in the slave States than in the free. It has been made manifest that the slave States were on the defensive, as against the free States; it is certain, that no people ever did or ever will surrender the moral and physical attainments of the former without a struggle, unless the love of truth shall have ceased to animate their hearts or courage shall not longer be accounted a public virtue.\*

First, it is to be said, the increase of native born whites in the slave States, from the first census, 1790, to the last, 1860, was very slightly in excess of the increase of the native born whites in the free States — old and new States reckoned together in each case. The preponderance of white population in the free States, at the date of the Eighth Census, 1860, arose entirely from foreign immigration. Under the blessings of then prevailing institutions, the whites of the South were healthy, well fed, well clad and prolific, judged by the tests of the most enlightened people of the earth in corresponding enjoyments.

DOMESTIC EXPORTS (1859 and 1860 combined).

Slave Ports--		Free Ports—	
New Orleans.....	\$208,276,608	New York.....	\$123,127,769
Charleston.....	39,081,544	Boston.....	21,271,440
Savannah.....	33,724,250	Philadelphia....	10,480,919
Total.....		.....	
		\$281,082,402	
		\$154,880,128	

The statistics are taken from the Ninth Number, Statistical Abstract of the United States, page 44, issued by the Secretary of the Treasury, and embrace the three largest exporting cities of the slave States and the free States, respectively, east of the Rocky Mountains. The exhibit shows a difference of \$126,202,274 in favor of the slave States. Mobile is omitted

\* "War is terrible, the hoof of the war-horse and insult to woman worse than death, but more terrible still is the loss of public spirit."—*Rev. Frederick W. Robertson.*



by the authority cited, to the disadvantage of the slave States. It was, in fact, a larger exporter than Charleston or Savannah. Another Treasury document gives the value of cotton, alone, exported from that port, crop of 1858, at \$42,273,468. The failure of the slave States, in their effort to preserve their social organism in the contest of the sections, was the chief cause that so changed the relative account of the principal ports, North and South, with Domestic Exports, that, in 1885 and 1886, New Orleans had fallen to \$159,925,933, in the aggregate, and New York had risen to \$639,214,838. There was even a greater relative decadence at Mobile, a smaller one at Charleston, and an increase at Savannah, to some extent. Domestic exports increased, in the same time, more than four-fold from the port of Boston and more than five-fold from the port of Philadelphia. The settlement of the West, to which the increase is largely due, in the exports of Eastern ports was enormously facilitated by the fiscal action of the government, beginning at an early period. For example, the estimated items of the bill for internal improvements considered in the House, March, 1851, called for \$372,000 exclusively for use in the slave States, and \$1,050,000 for use, exclusively, in the States north of the Potomac and the Ohio, adding \$240,000 for the improvement of the Ohio, Mississippi, Missouri and Arkansas rivers. While the railroad mileage in the New England States was increased only 1,162 miles, from 1850 to 1860, in Virginia, North Carolina, South Carolina and Georgia there were built, in the same years, 3,354 miles. In the Upper Mississippi Valley States, however, Ohio, Indiana and Illinois, in the same decade, the railroad mileage increased 5,889 miles to only 3,421 miles in Alabama, Mississippi, Tennessee and Missouri. But, examining the reports of the government, it is discovered the three free States received an excess of land grants over the four slave States in that time. The excess of land grants alone, at \$1.25 the acre, would have built the increase of railroad mileage and left over and above the cost of construction, at census rates, a cash surplus exceeding \$3,500,000.\* There is no way to account for the increase of railroad mileage, in the Atlantic slave States, of three-fold over the New England States, except in the accumulation of profits of industry. They

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\* Comp. Census, 1860: Report Sec. Interior, 1853.



received no donations from the government; that is, no restoration of their taxes and no share in public lands, for internal improvements, education or anything else. The various and numerous ways in which the inequality of collections and disbursements of federal revenues was accomplished, to the unvarying gain of the free States and the loss of the slave States tended to aggravate the feeling of the South against the incendiary and other attacks upon slavery. Up to 1842, there had been no tariff upon railroad iron, for example, and the Atlantic free States had built railroads rapidly, with untaxed iron, to connect with their furnaces. The domestic iron business having been established, the tariff was put on by their votes in Congress. These States united all parties to pass the iron tariff of 1842. The South was then beginning to build railroads.

The discrimination of the tariff tax against Southern railroad building was disastrous. The Legislature of South Carolina, with the approbation of Calhoun and Hayne, had made a fixed appropriation of \$250,000 a year for internal improvements. It was soon discovered that the bounty the federal law offered to Northern iron masters, in the form of tariff, had raised the price of rails beyond the power of the State to buy. While the free States of the West were practically relieved of the tariff, on iron rails, by land grants, South Carolina nor any other slave State shared in that counterbalancing federal beneficence. Sectional discrimination, in the acts of Congressional appropriations, attacked the interior water ways. It was just shown that the export commerce of New Orleans exceeded in value the commerce of any port of the Union. Nevertheless, while there was a mail service twice daily from Cincinnati to New York, the mail service, out from New Orleans on the Western waters as high up as Louisville, was so defective that it was the ordinary practice of merchants along the river to trust their correspondence to the pockets of passengers found willing to carry it. In February, 1851, a bill came up in the House to appropriate \$100,000 to each ship carrying the mail from New York to Bremen, and \$75,000 to each ship carrying the mail from New York to Havre. It was developed in debate, that less than \$35,000 was allowed to the whole number of steamers carrying the mails between New

Orleans and Louisville *via* St. Louis, Memphis, Vicksburg and many smaller places, a distance nearly as great as across the Atlantic, populated, more or less, along the entire line. Complaints of the people of the Southwest were unavailing. "The economy of this great government is exhibited in the Southwest; the wants of the lower Ohio and the Mississippi are not properly regarded," exclaimed Representative Humphrey Marshall. "What becomes of the \$1,600,000, which the people of Tennessee pay annually, according to the latest report of the Secretary of the Treasury? I ask what becomes of this great sum which the people of Tennessee contribute to the support of this government? Is there \$100,000 of it returned to them in the appropriations of the government among them? I venture to say there is not, and in this you will see me vindicated by the report of the Secretary." So spoke Representative Jones, from Tennessee, on the bill.

The inequity of federal disbursements was systematically pursued, beginning with the early ascendancy of the free States in Congress. From 1791 to 1833 the States south of the Potomac received, on account of internal improvement, \$878,709. The States north of the Potomac, in the same time and on the same account received, approximately, three dollars to one, or \$3,117,206. In 1845 a bill was before Congress to appropriate \$2,019,402 to Atlantic fortifications, south of Baltimore, and to appropriate \$12,222,422 to like fortifications north of Baltimore. Each mile of coast defense, north of Baltimore, was allowed \$9,267; each mile of coast defense south of that point, \$4,382. The sectional character of the legislation appropriating the respective sums will appear on inquiry into the sources of revenue. The chief source of revenue was the import tax. Imports resulted from exports and exports initiated, through the whole history of the slavery conflict, as to the sections, approximately in ratio set forth in the following statement:

EXPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 1859.

INITIATING IN FREE STATES EXCLUSIVELY.

Products of Fisheries.....	\$4,462,974
Coal.....	653,536
Ice.....	164,581
Total, exclusive exports of free States.....	<u>\$5,281,091</u>

## INITIATING IN SLAVE STATES EXCLUSIVELY.

Cotton.....	\$161,434,923
Tobacco.....	21,074,038
Rosin and Turpentine.....	3,554,416
Tar and Pitch.....	141,058
Rice.....	2,207,148
Brown Sugar.....	196,935
Molasses.....	75,699
Hemp.....	9,279

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Total exclusive exports of slave States.....\$188,693,496

These figures, however, do not embrace \$57,502,305 of specie exported from the free States. They omit also to divide between the sections \$84,417,493 exports of products of industry in which both sections were involved. For example, the largest export flouring mills in the Union were at Richmond, Virginia, and the next largest were in the interior of the State of New York. Shingles, timber, horses, mules, cattle, meal, etc., produced in both sections, were exported to the amount stated. An analysis of the items of the exports in common will show that at least one-third is due to the slave States' side of the statement. The exports of the sections, of their own productions, may be safely stated at \$216,000,000 for the slave States, and \$118,000,000 for the free States; making a *per capita* export, both races included, of \$18.00 for the slave States and \$6.83 for the free States.\*

While admitting that two-thirds of the exports of the Union initiated in the slave States, it was a favorite argument of free State politicians, that the South expended the proceeds of sales of her exports in buying from the free States the necessaries of life. The fallacy of the argument is easily shown, true, as it may be, that the ceaseless menace hanging over slavery, in the violence of the Abolitionists, tended to confine industry in the South to the most elementary conditions, where risks of capital were at a minimum. Nevertheless, the chief single industry of the tax favored free States, cotton manufacturing, increased 83 per cent. from 1850 to 1860, while the chief single industry of the slave States, raw cotton production, discriminated against in the fiscal action of the government, increased much more than 100 per cent.;

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\* Report Secretary Treasury, 1859.

from 2,233,718 bales, the crop of 1849, to 4,861,291 bales, averaging forty-five pounds heavier, the crop of 1859.\* Stating the actual relative sources of human maintenance, in the two sections, from the census of 1860, the evidence stands:

## ANIMALS SLAUGHTERED, 1860.

Slave States.....	\$106,362,075	Free States.....	\$102,889,811
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The per capita for population of all races being, in the slave States \$8.83, and in the free States \$5.33.

## BUSHEL OF CORN PRODUCED.

Slave States.....	437,045,726	Free States.....	384,045,726
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## BUSHEL OF WHEAT PRODUCED.

Slave States.....	22,408,915	Free States.....	72,270,828
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The two staple grains of diet aggregated a product of 37 bushels per capita of population in the slave States to 25 bushels in the free States. Of rice, molasses and raw sugar the slave States produced largely and the free States none. Of peas, sweet and Irish potatoes the slave States produced, in round numbers, two-thirds of the aggregate production of the Union. In orchard products, market garden products and dairy products the free States far excelled the slave States.

It is not to be denied that waste entered largely into the habits of life in the slave States, nor that the want of a strict economy required the importing of bread stuffs and provisions, in large quantities. But it may well be questioned whether the prevalence of slavery, in itself, was the moving cause of extravagance. The absence of diversified industries was, *prima facie*, the invitation to waste, and the Abolition crusade against slavery, through the years, reduced Southern industry to one main pursuit, as has been again and again demonstrated. In truth, however, no laboring population ever were known which consumed as largely of bread and meats as the slaves of the South. Infants were fed lavishly, by system as well as the producing labor. The elevation, physical and moral, of the race, essential to its productive capacity, required high feeding, and this was well understood by masters. I remember my neighbor, who was esteemed the best manager of a plantation, issued extra rations of milk, lard and other nourishing articles of diet to his negro workers when the sun was hottest and the labor most exacting.

\* Latham Alexander & Co.'s Cotton Trade of the United States.

The chief assessable values of the sections, in 1860, being brought into view, exhibit great increase, above 1850, but the percentage of increase, except in manufacturing, of all land pursuits, was in favor of the slave States. Bank deposits, for example, increased, in the decade, less than two fold in the free States, and only less than three fold in the slave States. True they reached in the slave States but \$8.62 *per capita* of white population, rising to \$10.66 in the free States *per capita* of population, but in the former, having reached the grand aggregate of \$61,741,163, indicated thus a new direction of business. Pursuing this indication, it is shown by the census that, railroad mileage in the slave States, in the decade, increased at a per centage greatly over the increase in the free States. The cash value of the farm lands of the slave States increased in greater per centage than the same class of property in the free States, as the following tabular statement shows:

## CASH VALUE OF FARM LANDS IN ORIGINAL STATES.

Slave States.	Free States.
Virginia,	New York,
South Carolina, Georgia.	New Jersey, Pennsylvania.
1850.....\$394,586,672	1850.....\$1,082,660,252
1860.....668,427,522	1860.....1,645,664,638

## CASH VALUE OF FARM LANDS IN NEW STATES.

Alabama,	Ohio,
Mississippi, Arkansas, Texas.	Indiana, Illinois, Iowa.
1850.....\$150,878,113	1850.....\$ 600,934,633
1860.....536,688,174	1860.....1,562,449,424

Notwithstanding the ceaseless peril of slavery and the consequent discouragement of manufactures of large investment and slow growth, manufacturing capital increased in the slave States from 93 millions, in 1850, to 161 millions in 1860. In the same decade the same class of enterprise increased in the free States from 440 millions to 848 millions.

In the Republic, wealth is social strength according to the evenness of its distribution. Man for man, the population of the sovereign slave States of America were, by this test, the happiest and freest of all known to history. Cities were less numerous and less magnificent than in the free States; the small farms, tilled by their white proprietors, in the free States, were more tidy than the great cotton, tobacco and rice plantations of the slave States. So much for environments and

adaptation. The "business" blocks of the city, where granite highways are lined with marble palaces and temples, are not allowed by the statistician to detract from the peculiar honors due to the suburbs, where art is less a consideration of actual value and nature enters more into the estimate. The greater population, occupying smaller area, in the free States gave higher market value to the soil in the free States; the productive occupation of all slaves of both sexes, of proper age, contributed to the advantage the laborer of the slave States maintained over the laborer of the free States.

The brief account of industrial conditions prevailing in the warring sections, of 1860, will be closed with the following summary of wealth in Agriculture, Manufactures and Commerce:

	Slave States.	Free States.
Cash value of farms.....	\$2,082,997,403	\$4,555,416,818
Capital in Manufactures.....	161,677,020	848,178,686
Railroads built, 1850 to 1860.....	304,526,332	823,324,497
Value sailing vessels.....		100,417,125
Value steamships.....		60,755,490
Bank capital.....	111,466,957	310,423,138
Value of slaves.....	2,800,000,000	.....
Total.....	\$5,400,667,721	\$6,707,515,754

The per capita of wealth in the free States, in the specified items, is shown at \$372, and in the slave States, enumerating whites only, at \$682.\*

In estimating the imperfection of any social polity, the truth it contains within itself can only be appreciated by considering the concrete and comparing and contrasting it with others. The slave States having lost nothing, on the material or industrial score, where the free States were brought into view, it becomes important to pursue the parallelism involved into the sphere of morals. The relative illiteracy of the sections was markedly against the slave States; the relative pauperism and crime of the free States far exceeded the count under those heads in the slave States. It should not be forgotten that illiteracy in the slave States did not disqualify the

\* California and Oregon are omitted from the items of land values and railroads. The sailing vessel tonnage is estimated at \$25 the ton and the steamship tonnage at \$70 the ton. Comp. Eighth Census and Commerce and Navigation, United States Government Print, 1890, are authorities used.

individual from the successful prosecution of the main industry of the section. Nor did the fact of illiteracy operate to deprive the individual white man of the respect and confidence inspired in the minds of educated people by his general character for probity and industry. The illiterate white man had an equal opportunity to hear public oratory and to attend public assemblies, and the social recognition allowed to him on all sides by all classes encouraged a manly appropriation of the advantages to be derived from it. In so far as illiteracy in the African affected Southern society, it may be safely declared that the average mental acumen and moral perception of the race far exceeded, in 1860, the status attained to in 1890, after twenty-five years of devoted experimentation in its scholastic training.

EDUCATION IN 1860.

Slave States.		Free States.	
Exp'd on colleges . . . . .	\$1,662,419	Exp'd on colleges. . . . .	\$1,514,298
Exp'd on academies . . . .	4,328,127	Exp'd on academies. . . .	4,663,749
Exp'd on public schools	5,277,217	Exp'd on public schools	17,271,302
Total . . . . .		Total . . . . .	
\$11,267,763		\$23,449,349	

There was abundant evidence of the revival of interest in public schools in the slave States, in 1860. The University and College had preceded the public school system in New England, as in the South. There was evidence, that in this particular, the slave States were following the experience of England in working reform from the top downward, through the organization of society. Indeed, the public educational system of Alabama, which received special attention from the Legislature, in the early years of the decade of 1850-1860, was advanced to a position quite equal to that of Indiana, a free agricultural State, at the same period.

The moral condition of the slave States lost nothing in comparison with the free. Churches were more numerous in the former than in the latter, and church membership in proportion to population was more numerous.\*

\* I am indebted to Rev. Basil Manly, D. D., of the Southern Baptist Theological Seminary, Louisville, for the compilation of educational statistics, verified by Vol. IV, p. 50 Introduction, and pp. 502-506 Census 1860.



## CHAPTER 21.

# The Argument Continued.

1860.

A modern philosopher — Herbert Spencer — insists that whenever natural causes are discovered to be powerful, a widespread accusation springs up against them that they are powerless; and that in proportion as an evil decreases popular denunciation of it increases. A remarkable justification of these general conclusions appears in the metamorphosis which spread itself over the Northern mind when it had become apparent that the laws of nature were rapidly preparing slavery, in the South, for self-extinction. In the last Chapter it was shown that the problem of Southern society, if undisturbed by the revolutionary acts of the Abolitionists, would be to adjust the profits of slave labor, the income derived from plantations, to the spirit of development abroad in the land. Local competitive economic forces were inevitable. The competition with slavery, thus arising, had been fatal to the institution throughout its history, coming down the ages. "Do not ask (says a writer in the early Christian epoch) how these Old Testament precepts can be good now, when the need for them is past; ask how they were good when the period required them. Or, if you wish, do inquire into their merit even now. It is still conspicuous, and lies in nothing so much as what now enables us to find fault with them. Their highest praise is that we now see them to be defective."



By the census of 1840 the free States gained in representation in the Lower House of Congress, so that their majority was fifty-one. Their majority in the decade next following was fifty-four. The federal taxes and disbursements of revenues were controlled by this majority, to the great injury of Southern industrial life, in respect to the natural laws affecting the relations of the African. An equitable disbursement of taxes collected under a just system would have left, in the slave States, vast accumulations of money derived from sales of plantation crops. Slave property being limited to natural increase, investment of ready cash must have sought enterprises not dependent on slave labor, however useful might have been free African labor. It has been shown that the cotton crop of 1859, increased, over that of 1849, more than one hundred per cent., on a rising market; that Southern bank deposits multiplied, but the increase of slaves, in the same time, was less than 24 per cent. Moreover, the price of slaves doubled. The basis of a reformed economy was, the ready money awaiting investment. No investment of a profitable nature was possible, which would not have become competitive with property in labor. Year following year, the fiscal action of the federal government militated against the normal action of Southern society, and so prepared the sword to work out the extinction of slavery; for which end active economic influences, within the slave States, were preparing with justice and peace. The measure recommended by Mr. Adams, that Congress should make a treaty with each slave State, for emancipation of its slaves, and the various "compromises" enacted by Congress, hostile to the institution of slavery, were in direct conflict with the theory of Constitutional growth, founded on the evolutionary elements of the society affected. They involved the application of power, resident in a central government, ignoring the reformatory instinct of society to adjust its inherent forces to the end of social progress. Throughout nearly half a century of acrimonious agitation, the Abolitionists brought forward no temperate, practical or humane measure to assist the African of the South along that line of mental and moral development upon which the methods of the plantation and the statutes and Constitutions of the slave States propelled him. The

anti-slavery sentimentalism of New England was fomented in old England, and was complicated with English financial policies and commercial interests — the same which demanded the breaking up of the English colonies in the West Indies to transfer English supremacy to the East Indies. The alliance, with old England, of the Abolitionists extended to the obstructing, up to the full measure of their opportunity, of the designs of their own government to the southward; refusing their sanction to a commercial highway connecting the Pacific and Atlantic, across the isthmus of Central America; secretly approving the murder of Crittenden, in Cuba; openly applauding the downfall of General William Walker; denouncing Commodore Ingraham, the Southerner, for the honorable service he rendered his flag in the seas of Eastern Europe. So, too, it appeared that when every vote in the Lower House of Congress, from Massachusetts, joined South Carolina in support of the tariff bill, of 1857, Massachusetts was recompensed in the augmented sympathies which bound together Exeter Hall and the school of Garrison.

The infidelity of the Abolitionists to a just or humane statesmanship, looking to the solution of the question of slavery, was made evident in their bold and persistent renouncement of the following propositions, held out in the actual conditions of Southern society:

1. The involvement of the slave in a self-adjusting economy calculated to elevate him from the ancient status of bondage to the modern status of contract,
2. The involvement of the slave in the political doctrine of the sacredness of Constitutional obligations.

Both of these propositions were avoided by the Abolitionists. The sublimated theory of the rights of the minority in the federal compact was forced to yield to the profane power of the majority. The destiny of the African, of the Southern plantation, was turned from its course. The glory of the American idea was denied its opportunity. The process of African transition, through the perfected agency of bondage, was disastrously convulsed.

There cannot be said to have been any general appreciation on the part of the Southern people of the practical conflict between accumulating profits of the plantations and the security

of slavery. There was a silent force in their conduct, nevertheless, which was practically irresistible, fomenting that conflict. In the midst of the secession controversy, of 1851, a Legislature of Alabama was chosen on the Georgia Platform, as has been explained. This body gave extraordinary attention to industrial reform. It was the first Legislature in session after Bank Commissioner Lyon had accomplished the rescue of the State from threatened repudiation. A safe currency was assured, on State regulations. Besides discussing a policy of commercial advancement, with cotton as the main element of trade, an appropriation was made, the first in order, to enable Michael Tuomey, Professor of Geology, at the State University, to locate coal seams and iron ore deposits known to exist in the mountainous central counties. Georgia had already led off in the line of reformed industries in her gold and copper mines, and cotton mills, and politicians had already attained to a view, however uncertain and confusing, even, of the latent meaning of a small beginning of the pre-ordained competition at home between slave labor and investment in productive enterprises, of the fruits of slave labor, operated on the wage system. Accordingly, the brilliant young editor, Mr. John Forsyth, writing from his home, Columbus, Georgia, under date September 12, 1850, hoping to encourage that State to secede from the Union, while her policy was as yet undetermined, said:

“Gentlemen of Charleston, as a Georgian I hardly know what to say to you Carolinians. I feel that my people should be at this moment shoulder to shoulder with yours. I feel that instead of pouring out their torrents of ridicule and abuse on you, as the guilty authors of the disturbance of the peace of the Confederacy, our miscalled Constitutional Union men should lock their shields with yours and present an impregnable phalanx to our common foes. I feel that Georgia is called the ‘Empire State,’ in derision, by those whose principles and conduct are fast making of her no State at all, but a dependent province. I would to God we had fewer miles of railroad, fewer millions invested in manufactures and stocks, fewer proofs of enterprise, and thrift and money-making, and more of that chivalry of Georgia, of the olden time, which, on more than one occasion, has interposed her sovereignty to check the usurpations of the federal government, if, as I greatly fear, the tribute to our enterprise is at the expense of independence of spirit; and if the national timidity of wealth and the enervating influence of unbounded prosperity have had the effect of rendering our ears more

sensitive to the Syren song of Unionism and our eyes more blind to the dangerous consequences of submission to undoubted wrongs. \* \* While life, and limb and fortune are due to country, when did freedom ever demand of her votaries a sacrifice of liberty and labor!"

While Mr. Forsyth was, when he wrote, in earnest sympathy with Mr. Yancey, touching the remedy of secession, Mr. Yancey at no time sympathized with Mr. Forsyth's regrets touching the material development of the South. In his address prepared for delivery before the literary Societies of the University of Alabama, he said, of the institution of slavery and of the course of the South: "The Southern mind is dealing generously with this complicated and difficult question, but slowly, for it is one which time and extraordinary prudence alone can solve." He never conceded any thing to the argument of nullification or retaliation in commerce, advanced by Southern men, but held to a complete and final separation of the States, when the Union became oppressive and intolerable. Hence, in his debate with Pryor, in the Southern Commercial Convention, he spoke with great respect of the enterprise of the people of the North, and particularly of their labor saving inventions. "In the City of Washington (he said) two temples stand—one representing the South, the other the North. One is the Capitol, the other the Patent Office. In the temple of law are the men of the South, leading in the expansion of the law; laboring on the ever magnifying problem of the humanities. In the other temple, is a vast collocation of utilitarian ideas, set forth by the men of the North striving for practical achievements. \* \* Out of the million of models, not exceeding a dozen, perhaps, will enter the current of men's lives to determine its course. But the dozen are worthy of the temple and the cost to the people in its maintenance; and worthy of the spent lives of genius and all that may be hereafter spent in such endeavor. In ancient times, centuries occupied the transplanting of thought from nation to nation. Even the light from the sublime altitude of the Cross traveled painfully and slowly. Now, from the centre of the New World an idea encircles the world in a moment of time, sent in a flash from the genius of a young American coming out from obscurity to fame." He spoke in defense of the immutable principles of Constitutional liberty,

without regard to the moral aspect which slavery might be supposed to present either to its advocates or opponents. His own mind was singularly inventive of methods, in his chosen sphere of action, and was without prejudice against innovations which impelled genuine progress. His distrust of slavery, as a fixed economy, was foreshadowed in his refusal to commit himself to re-opening the African slave trade.

News of Tuomey's discoveries of inexhaustible wealth of iron ores and coal were abroad in the State; a convention of capitalists and planters had deliberated at the foot of the Red Mountain, a phenomenon of hematite in Jefferson county, to inaugurate a railroad project to connect the mineral wealth with deep water at Mobile; and this, ere the most sagacious had a correct appreciation of their enterprise. The vote received by the Know Nothing candidate for Governor, in 1855, was cast by a people seeking an outlet for their cash, and was cast for "State aid," or State control of enterprises. The Democratic majority in the Legislature compelled Governor Winston to veto bill after bill passed by them to grant "State aid." The pioneer line of railroad surveyed to connect the Alabama river, at Selma, with the mineral regions, the same recommended by Jesse Beene's bill, of 1835, had been surveyed and many miles of it constructed, when the Legislature met, in 1857, to hear Tuomey's report, cut short of completion by the death of the devoted and eminent author. A bill was passed, at this session, appropriating \$10,000 to be used by the Governor for the purpose of making "a thorough survey of a route to connect the Tennessee river with the navigable waters of Mobile bay with reference to the development of the mineral region of the State." A young Georgian, John T. Milner, was selected by Governor Moore to be Chief Engineer, with instructions to make "a full report of the reconnoissance." Milner averred he knew not where the "mineral region" lay, as Tuomey's incomplete notes did not indicate, to that fulness necessary. The Governor confessed his own ignorance, but insisted the young Chief Engineer should find them, even amidst the millions of acres of twelve counties of mountain forests. The Alabama and Tennessee Rivers railroad and the Alabama and Chattanooga railroad were now well under way. The bank deposits of Alabama had increased, since 1851, nearly four

hundred per cent., lands and slaves were rising; Sherrod, in the Valley of the Tennessee, McGehee and Pollard, Price and Griffin in the prairie belt, all large planters and railroad officers, Jemison, Powell, Barnett and many other large slave masters, were urging upon their brother planters to invest in local railroad stocks rather than in Virginia negroes. "Our lands and negroes do not pay eight per cent., at ruling prices, (wrote Griffin) and railroad stock in Alabama is sure to command high dividends." The merchants of Mobile asked for a charter for a new bank, with a capital stock of \$2,500,000. "Let them have it," said Judge Rice, from his seat in the Lower House of the Legislature; "let them have it, but with the proviso that every subscription shall include one-third of the amount subscribed in the stock of the Alabama Central railroad, surveyed by Mr. Milner. I know at this moment where, in the little town of Montgomery, \$1,900,000 cash, the property of cotton planters, awaits investment in local enterprises." The charter was granted. Milner's report came up. Its lucid statements, bold counsels and self-evident logic confirmed the mind of the Legislature. It was as the passing wind that blew the ashes from the embers of hope, leaving it aglow with warmth and secure of the future.

"Neither banks, public buildings, schools or anything else (said the engineer) have conferred so much benefit or have rendered themselves so indispensable to progress as the railway. We can form only an inadequate estimate of the benefits which must accrue to the people from a generous support of this railway project in our State. We have been thinking and talking of this, or some other connection, with the same general purpose, for forty years. The line located will lead to the development of the greatest sources of minerals most needed by the world. It is of paramount importance to the State to build it, and thus establish against any contingency our commercial independence."

Many, indeed, were the complications gradually drawing around slavery. Every apparent success attained by it was, in truth, a premonition of its decaying powers. Every mile of railroad opened toward the boundless mineral wealth of Alabama opened the avenue farther and yet farther toward the powerful and inexhaustible competitor for the employment of capital and energy in Alabama. Truly, as Mr. Yancey told the University graduates, it was "a question of time and great prudence." The most desirable negroes were worth \$1,500 to

\$2,000 each. The average price of slaves in the prairie region of Alabama was, perhaps, above \$1,000. Large planters were growing fewer in proportion to population. In the low-country, of South Carolina, it was complained that, on the division of estates, the share of slaves falling to the heirs did not supply sufficient labor to justify the beneficiary in devoting his time or energy to its oversight, and that the inheritance was liable to be sold to the great planters of the Mississippi valley, leaving the land, in South Carolina, unoccupied. There is no room for doubt that the three railroads surveyed to penetrate the mineral region of Alabama, in 1858, would, when completed, speedily have resulted in the establishment of great industries inconsistent with the employment of the costly slave labor; and that a then contemplated great iron manufacturing city would have quickly grown up, in proximity to mines there, which would have lived in intimate commercial alliance with the port of Mobile, thus confining, within the State, two rival industries, supporting, at the outset, each other, and providing for that economy which would have settled, in peace, their differences, in the destruction of the weaker and less expansive. The inheritors of a limited number of high-priced slaves, whose labor would produce a small cotton crop, would, in common reason, have sold them to Louisiana or Texas sugar or cotton planters and, returning to the iron centre of Alabama, destined to be an iron centre of the commercial world, would have invested the proceeds in industries so inviting to the cheaper free labor.\*

Not alone were the times distinguished by industrial revival. Governor Moore, in his regular message to the Legislature, of 1859, said :

“The education of the children of the State is one of the most sacred duties of parents and the government. \* \* The Legislature in discharge of a Constitutional obligation has wisely instituted a system of common schools intended to provide the means, to the poorer classes of children, of learning to read and write. The system is in its infancy, and a man of learning and judgment should be placed at its head.”

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\*The city of Birmingham, Alabama, was founded, in effect by John T. Milner and associates, all former slaveholders of Alabama, in the year 1870-71. in accordance with the original design of building railroads, surveyed long before the emancipation of slavery, and was founded under the disadvantage of a loss to Alabama, alone, of quite \$500,000,000 as the result of the revolutionary emancipation of slaves by the military authority of the United States.



The President, Dr. Garland, of the State University, was summoned to deliver an address before the Legislature to enlighten the members on their duty to that institution. Further appropriations were made to locate the mineral wealth of the State. Like the rising of the sun, the light of enlarged life dawned upon the most highly favored of States, even through the gloom of the great struggle then known to be approaching near, and whose avoidance few anticipated. The capital stock of the banks of New Orleans was \$12,370,390, in 1850, and the deposits were \$8,464,389. In 1860, the capital stock had increased to \$24,496,866 and the deposits to \$19,777,812. The surplus cash known to be in North Carolina induced the Legislature of that State, in 1849, to impose a tax on all money placed at interest when the lender had out more than \$1,000, above his own indebtedness. The returns showed \$15,000,000 so loaned and, it was supposed, a sum equally great was actually loaned out in sums which did not fall under the statute. This is one of the many facts going to show that the bulk of collateral being in land and slaves, the surplus cash did not, in the nature of business, go through the banks, as in the wage or free States and, consequently, was not reported at the South as at the North. The Richmond journals of January, 1860, report the rising rate of hire charges for slaves, the increase for that year being 10 to 15 per cent. Every labor saving farm implement brought into use, every ton of commercial fertilizer, tending to increase the yield of the Southern farm, increased the price of slave labor, whether hired or sold. The surest emancipation literature ever sent abroad in South Carolina was the address of Mr. McDuffie delivered, by request, before the Legislature explaining how, in the application of the labor of his slaves, he increased his crops two to three fold. When David Dickson, of Georgia, taught his fellow planters that, in a certain organization of slave labor, ten or more bales of cotton could be produced where a third of that quantity had been hitherto produced, it was only necessary that Messrs. Lincoln and Sumner should permit the instruction to become effective to see the area of slavery contract and the institution prepare itself for extinction. Every geological survey in Alabama, exposing the mineral wealth of lands, owned by non-slaveholders, was a practical guarantee that the



owners would not defend slavery, as a vital economy, longer. Every railroad line, surveyed through the mineral region of the same State, was the precursor of investment in productive enterprises which would not tolerate capital in labor. Year following year, the lines grew deeper and wider between the productiveness of capital in railroads, cotton mills, and free labor enterprises, and capital in slaves and plantations. Nor were the master's prejudices of a feather's weight, as against the climax of the process. The approaching contract status of African labor was the inevitable result of the master's energy acting upon the slave's efficiency. In the factory system, were found the methods of the plantation enlarged. Were the factory hands graded by a standard, so were the plantation hands. Were the former paid, according to services rendered, the latter were provided with ample protection in sickness or health, youth and old age by a fixed rule. Were the wage workers under overseers, so were the slaves. As the methods of the two systems grew less distinguishable, the overruling consideration of their merging was, the silence of the Abolitionists. The outcry of the South, "Let us alone!" was the spontaneous outcry of society, evolving its own forces after normal laws.

The mental, moral and physical growth of the African, in bondage, was the basis of the evolutionary economy leading to his emancipation. When the youthful Victoria ascended the English throne, by her side stood the companion of her childhood and her youth, Miss Amelia Murray. First among the chosen companions of the crowned Queen was Miss Murray. Years passed, the Prince Consort and his royal wife and her court had read and wept over "Uncle Tom's Cabin," and thanked the author. Excitement raged in the United States over the Nebraska-Kansas bill, there was a North and a South apparent to the slowest apprehension. Miss Murray, attended only by a maid servant, landed at Boston, in full sympathy with the anti-slavery feeling of the English court and the North. Having traversed the free States, leisurely, as far west as Pittsburgh, accepting the private hospitality lavished on her, she arrived at Baltimore, the guest of a gentleman's family. More in apprehension than curiosity, she had looked forward to a first contact with slavery and slave masters. Her



*John Miller*



carriage was driven to the stoop by a slave coachman, she was met there by a slave man servant, and attended to her apartments by a slave maid servant. She discovered the first deportment of servants she had seen in America. At dinner, she found herself in the presence of a thorough aristocracy. The dignity of the gentlemen was complete, but most of all pleasant surprises was the absence, in the ladies, of the sharp accent and peculiar pronunciation which she had, regretfully, observed in her earlier American experiences. At Washington, she became the associate of Southern statesmen and Southern society, by law of natural attraction. From Richmond she was taken to see the great wheat farm, "Westover," and was taken to see the slaves in their houses and at work. From Charleston she visited the cotton and rice plantations of the vicinity. She pursued her way as far as Galveston, wrote letters to an English friend describing the irreconcilability of what she had seen, concerning slaves and their masters, with what she had read, and published them. The exigency of sentiment, at the English court, required her dismissal, and this punishment, for the defense of the Southern social life, she bore in retirement. The lads on the play ground of a school in South Carolina, where I attended, reported their discovery of the ill treatment a neighboring planter had inflicted on his black servant. The punishment was less than the Governor of Massachusetts, Benjamin F. Butler, at a later day, informed the Legislature was habitually visited upon the paupers and insane of his State, under public protection. A public meeting assembled, nevertheless, at the village library to consider the case of the maltreated negro. Every person present was a planter. A committee from the meeting bore the protest of the community to the offending master and another committee employed the leading criminal lawyer of the local bar to prosecute him, at the neighborhood expense. The children at school pointed to the unfortunate planter, as he passed, with derision, for many months, and, in shame, he sold his plantation and left the neighborhood. In the last decade of slavery, cholera of a deadly type, attacked the negroes on an island, near Charleston, the plantation of William Aiken, once Governor, and then Representative in Congress. Mr. Aiken left his seat in Congress, at the first report of the

suffering of his many hundreds of slaves, hurried to their relief, and remained in constant attendance upon them until the epidemic ceased. Mr. Badger, from North Carolina, speaking in the Senate, February 14, 1854, said :

“I have no more idea of seeing a slave population in Kansas or Nebraska than I have of seeing it in Massachusetts; not a whit. It is possible some gentlemen may go there and take a few domestic servants with them; and I would say if those domestic servants were faithful and good ones, and the masters did not take them with them, the masters would deserve the reprobation of all good men. What would you have them do? Would you have me to take the servants who wait upon me and live with me, and to whom I have as strong attachments as to any human beings on this earth, out of my immediate relations and connexions, and, because I want to move to Kansas, put them in the slave market and sell them? Sir, I would suffer my right arm to be cut off before I would do it. Why, therefore, if some Southern gentleman wishes to take the nurse that has charge of his little baby or the old woman that nursed him, himself, and whom he called ‘mammy’ until he returned from college and, perhaps, afterwards, too, and whom he wishes to take with him in her old age for the betterment of the fortunes of his whole family, why, in the name of God, should anybody prevent it? Do you wish to force us to become hard-hearted slave dealers? Do you wish to aggravate the evils, if there are evils existing in this relation? Do you wish that we shall no longer have a mutual feudal feeling between our dependents and ourselves? Do you want to make us mercenary and hard-hearted? Or would you allow us, having, as I trust we have, some touch of humanity and some of the beneficial and love-breathing spirit of Christianity, to let these beings go forth as they are accustomed to go and us to rejoice when we look out and see our slaves happy and cheerful around us, when we hear the songs arising from their dwellings at night or see them dressed in their neat clothes and going to attend their churches on Sunday and realizing, as they look at us, that we are the best friends that they have upon earth?”

After tariff and bank questions had been pacified, Mr. Webster visited Charleston and Columbia, South Carolina. He was received with open arms in private and public hospitality and was much affected by it. The students of the South Carolina College waited on him, at Columbia, in a body. Colonel Wade Hampton carried him over his plantation, in the vicinity of that town. Mr. Webster left his carriage, walked among the negroes at work and talked with them. He went into their houses and informed himself of their domestic habits. At dinner the same night he spoke, informally, with deliberation, saying he “did not see that the *negro* could be

benefitted by any change in his condition." \* Chancellor Harper, the Nullifier, delivered an address, at Columbia, warning slave owners of their error in not promoting the education of slaves. The mental enlargement of the producer would insure a measure of intelligence profitable to the master; the moral culture of education would counteract the machinations of the incendiaries. There were not a few thinkers of the South who accepted the same conclusions.

With reasonable haste, toward the close of two centuries of bondage in America, the African had become the best plowman, the most expert teamster, the most dexterous hoe hand, the only profitable cotton harvester the agriculture of the world had produced. He was a respectable architect, a good brick mason, cobbler, blacksmith and the best domestic servant any civilization afforded. The measure of negative morality prevailing in a plantation village, "the quarters," excelled a village of equal population, perhaps, of any race. Theft was very rare, personal combat unknown, profane or boisterous language unheard. The only unmanageable vice was *bastardy*.† The marriage law of the plantation prevailed. The master and his family were wont to attend the marriage ceremony, to assist the dignity and sacredness of the rite. The former plantation law of divorce was far less seldom drawn into application than the statute law of divorce, for any equal negro population of this present time. Economic causes conspired to prevent separation of families. Slaves passed, generation by generation, to masters, more by inheritance than by purchase. Being less and less subjects of commerce, as time progressed, a more tender regard continually grew up between master and servants. The voluntary separation of husband and wife, parents and children, brothers and sisters, involved in German and Irish immigration to America, exceeded, infinitely, the enforced parting of members of slave families of the South. At the battle of Winchester, in 1862, General Jackson discovered the negro servant of General Taylor exposed to fire and advised him to seek shelter. The negro replied, if the General pleased, he would remain near his master, who might

\* Perry's Reminiscences.

† Quoting from Robert Toombs' Address at Boston, one-half of the births of Austria were illegitimate and one-fourth of those of France, in the last years of slavery in the South. My personal belief is that not exceeding one-tenth of the births of slaves on Alabama plantations were out of wedlock.

need him. On his rounds of the army, that night, Jackson found Taylor sitting at one end of a bivouac fire and his black servant at the other. Advancing to the servant, he grasped his hand warmly, explaining to the master the occurrence of the morning. Colonel Pegues, commanding a regiment of Alabama cavalry, C. S. A., permitted his negro servant to ride away, for an hour, his favorite battle horse. The regiment was suddenly called into action, with the commander badly mounted. The servant learning the facts on his return to camp, dashed into the heavy fire, at imminent risk of his life, and changed horses with his master, all of his own volition. Major B. C. Yancey, C. S. A., finding himself in an uncertain position, offered his purse, \$100 gold, to his negro servant, with a pass through the army lines, which would enable him to reach Fortress Monroe, in possession of the United States. The friendly offer was firmly rejected. Mr. Lincoln said, in his Cooper Institute speech, the "ignorance" of the slaves of the South would defeat any such enterprise as Brown's raid. That slaves of the South were less harmful than fanatics and wiser than the great men, enemies of their masters, is the proper explanation of the failure of the raid. Of the thousands of negro servants who left their families to endure all the privations of the bivouac, on scanty fare, of the Confederate Army, there is no record of even one desertion to the enemy. In a whole land, denuded of its arms-bearing ruling race, there is no record, in the war of the Confederacies, of African insubordination, save where the "party of morality," the invading army, instigated it with much labor. The accumulating successes, mental, physical and moral, of the African in bondage, were guarantees ample, to the perception of sound statesmanship, that he was working out his own redemption; and that redemption would find him prepared to incorporate his race in the industrial life of a land overflowing with the riches he had created. The solution of the problem of his social state was involved in the continued prevalence of peace. Gradually new enterprises would command his labor, new cities, and older growing cities, with their educational influences, would attract him from the less productive or smaller plantations. As servant at the hotels, barber, drayman, brick mason, wood worker, his services to his master, not a large planter, would be more

remunerative than as farm hand. Whenever the inevitable transition period might arrive, it was far more important to the freedman, than to the ex-slave owner, that society should be tranquil, wages sure and confidence perfect between the races. Until time had ripened all these conditions for consummation, their premature and abnormal disturbance was neither humanity to the slave nor a just expedient of war against his master.\*

Considering, briefly, the second proposition of this Chapter, it is sufficient to say that the federal Constitution having evolved from native conditions, had fallen, in 1860, to foreign influences. In the free States, about one-third of the men of voting age were of foreign birth, while, in the slave States, not more than one in twenty were of foreign birth. True as it may be, that the bulk of the immigrants, then, were men of good intentions, farmers in large proportion, with some means, it is also true that they had no part in making the organic law of the Union, or their ancestors. They did not understand it and did not feel need of understanding it. A kingly power awaited them—the right to vote. They were content in its license. Hence it became impracticable to repair or amend the Constitution, as the system contemplated. The unity of Northern interests converted every strong man devoted to a Constitutional Union, there, into a sectional partisan. Firm and great as was Mr. Douglas he was borne on the tide of resistless public opinion, as cork upon a torrent. In 1858 he was an ardent State Rights advocate, debating with Lincoln. In 1861 he voted to supply an army to a part of the States to conquer the others. Nor was so brave and well meaning a man as Mr. Lincoln more able to stand before the pressure of the foreign vote, striving for the right but knowing nothing of its foundations. In 1858 Mr. Lincoln said in debate with Douglas :

“ I am not now, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races. I am not now, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with

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\*When Richmond was occupied by the United States army, in April, 1865, the inhabitants were upon the verge of starvation and without money. The blacks were declared free by the invader, and rations were liberally dispensed to them. Many masters and their families were supplied in this way by their faithful servants with the necessities of life.



white people; and I will say, in addition to this, that there is a physical difference between the white and black races which I believe will ever forbid the two races living together on terms of social and political equality."

But, a few years later, in less than six hours before he received his death wound in the revolution inaugurated to abolish slavery, Mr. Lincoln signed a military order intended to elevate the black race to social and political control of the Southern States.

When the year 1860 opened the fruits of a wise and vigorous statesmanship blessed Alabama and the promise of the Commonwealth, in the course of peace and freedom, was unrivalled in all America. The public debt of the State had been adjusted, her honor established and an eminently successful monetary system put in operation; political animation prevailed throughout her borders; her inestimable mining and manufacturing resources had been discovered and proclaimed; her main arteries of commerce had been laid. Idle, indeed, would be the allegation that the maturing manhood of the African was not involved in these accumulating beneficences of enlightened society. False, indeed, must appear in history the statesmanship which either ignored the fact or defeated its consummation. Four individuals had come out from the ranks of the multitude to fix above and beyond the public mind, in its forward movement, four avenues of advance—the release of the people from the banks; the organizing of the people to defend liberty; the discovery of the mineral wealth; and the instigation of enterprise to enlarged effort. Leader—belongs to Martin, Yancey, Tuomey, and Milner, respectively. If the bondage of the African of the South was, in truth, a social and political evil, these were his humane liberators, the true Abolitionists, freeing the African, presently, from the statute which affirmed his bondage, but making sure a new and final economy for the masters, irreconcilable with a property status of labor.

## **CHAPTER 22.**

# **The Charleston Convention.**

1860.

Kansas, an unadmitted State, remained yet at the doors of Congress. A civil community, worthy of incorporation into a Confederacy of self-governing States, had never existed there. The very proceedings in which the feeble and fickle social elements had been forced into political form were sanguinary conflicts, on the soil, instigated by the mad passions of the colliding sections on the floors of Congress. Would the free States persevere, to the final extinction of the compact rights of the slave States? Would the slave States submit, because submission had become the logical sequence of the errors of the irremediable past? These were the questions which town, precinct and State meetings and conventions of the people were to determine, in the opening months of 1860. Congress had lost power; the people had assumed power.

When Mr. Yancey set out early, after writing to Mr. Meadows, for his summer vacation, he carried his physician's injunctions to avoid public speaking. After a few weeks spent in the mountainous regions of Georgia, he passed on to Greenville, South Carolina, and was so far restored as to return to the political work he had begun for the relief of the South. At Greenville he was received with demonstrations of public delight. He spoke there and elsewhere in the vicinity. July 28, he spoke at Columbia, to a crowded house. He said:

“It is not uncommon to hear those who hold my opinions

denounced as agitators. I, for one, accept the appellation. Error and ignorance occupy a more primitive relation to our lives than enlightenment and truth. Agitation, incentives to exertion, inducements which impel inquiry are sources of knowledge and wisdom. The prophets of old were agitators. Nature disturbs the peace, which broods over the land and the sea, like slumber, with the resistless rush of the hurricane, and the mad billows lash the shores of the hemispheres in their fury. Languishing beneath a tropical sun, animated nature pantingly seeks shelter from its burning gaze. The green slime covers the still waters; the deadly miasma rises. Suddenly, the heavens are over-clouded, the blazing electric meteors shoot, the deep toned thunders roll through the great vaults above, the torrents descend, the unrestrained winds career in madness and, as suddenly, athwart this gloomy aspect, nature resumes a smiling face and a purified breath overspreads her dominion. The Divine Martyr, dying, died amidst convulsions of nature which shook the earth in its foundations. His last injunction to His disciples was, to go forth to proclaim His words until every heresy should yield. If we have the right on our side it is our bounden duty to 'agitate.' If we are in the wrong, agitation will prove the truth. No good cause has ever been delayed by agitation, and every error has trembled before it."

The object of the speech was to urge the Democrats to be represented in the Charleston Convention. A few weeks later Mr. Yancey wrote to Mr. Rhett requesting him to prepare and publish, in the Charleston *Mercury*, the outline of a Southern policy. October 13, 1859, the *Mercury*, the confessed organ of the Southern leaders, appeared with a temperate and elaborate article embracing six distinct propositions of procedure: (1) The Legislatures of the Southern States, soon to assemble, should protest against the acts of the fourteen Northern State Legislatures nullifying the fugitive slave law of Congress and other demonstrations of hostility to a Constitutional Union, by declaring for the principle laid down in the Dred Scott decree; (2) the Legislatures of the Southern States should commit their States to abide by the action of the Charleston Convention, based on the principles laid down by that decree; (3) should the candidates to be nominated at

Charleston, on this principle, be defeated by the candidates of the Republican party, then the Legislatures should re-assemble, recall their Senators and Representatives in Congress, and devise some "means for their common safety ;" (4) should the National Convention of the Democratic party be so dominated by the free States as to refuse to accept the principle laid down by the Court, then the South, as a last resort, should put forward candidates for President and vice-President representing the true national policy ; (5) should the true national candidates, so put forward, be elected, then the South should accept the result as the pledge of a Constitutional Union ; (6) should the Northern sectional candidates be elected, demonstrating, beyond cavil, the insecurity of the society of the South, in the Union, then the proposed conference of Southern States should be had to determine what would be best to be done.

Every fresh outbreak of sectional discord, every "compromise" by which the trouble of the day had been "finally settled," every new Congress chosen had verified the prophecies of Mr. Calhoun's address, of 1849. There was no break in the order and extent of fulfillment, up to this day. Sectional conflict was to result in enforced emancipation, in subordination of masters to their former slaves, in the imposition of taxes intended to enrich one section and one class. North and South, united by the sword, would be dominated by some irresponsible power, a Congress, mayhap, for a season, and next a dictator. Nevertheless, in Congress and without, were many examples of Southern leaders who had confessed precipitate and inexplicable reversion of sentiments. The fact seemed ominous of the sudden turn of power and glory from the civilization of the slave States, whence the government had come forth, to abide in the civilization of the free States, born since the government. Most conspicuous of the recent converts was Mr. Jefferson Davis. The signature most valued by Mr. Calhoun to his Address was the signature of Mr. Davis. In 1858, while assisting in the celebration of Independence day, in Boston harbor, he compared his former associates in the South, the Secessionists, to "mosquitoes around the ox's horn." In debate, of 1850, Mr. John Bell, from Tennessee, said, in the Senate :

“Sir, it is not a mere question whether we shall preserve the Union.  
\* \* I say give me separation, give me disunion, give me anything in preference to a Union sustained by power only.”

Mr. Bell was now held to be unconditionally for the Union. Howell Cobb remained firm to the declaration he had made in 1856. Toombs and Stephens were separated from each other on the obligations of the Georgia Platform. Mr. Hilliard was now a Unionist and Messrs. Forsyth and Seibles were of his company. The honest convictions of the Southern mind, and the interpretation of transpiring events by a leader who would not dally with popular deceits or turn aside to appease the jealousies of ambitious and unstable men, explains the origin and now pressing maturity of the Southern movement.

Alabama, to whom turned all eyes in the rapidly gathering storm, paused in the ascent of a splendid prosperity of peace to prepare for the part she was to act in the tragedy of factions. The final force of the Alabama Platform is now to be displayed. Quickly following the editorial of the *Charleston Mercury*, and yet six months before the time fixed for the meeting of the Charleston Convention, on November 12, 1859, the Democrats of Montgomery county, Alabama, after formal call, held the first primary, in the slave States, preparatory of the National Democratic Convention of April, 1860. Samuel G. Arrington presided. John W. A. Sanford introduced a series of resolutions, covering substantially the principles laid down in the Alabama Platform. Henry C. Semple, a Douglas man, moved the meeting adjourn, to meet at the end of four weeks. Sanford spoke to his resolutions; Yancey followed in support, Semple and Sayre opposing. Samuel G. Reid offered an amendment, committing the meeting to opposition to Douglas as a candidate for first place on the ticket to be put forth at Charleston. The amendment was accepted and the resolutions so amended were adopted, *nemine contra*. The Chair appointed a committee of five to select delegates to the State Democratic Convention, to meet early in January following. Yancey's name was placed at the head of the list. Thirty-six of the principal Democrats of the county were selected, one-third of the whole being avowed political supporters of Douglas. Late in December an unauthorized call appeared in the *Confederation* newspaper, inviting the Democrats of Montgomery

county to meet, to do what they had already done—select delegates to the State Convention. On January 2, the court room was well filled, in response to this call. A venerable Democrat, a planter from the prairies, discovering the irregularity of the procedure, rose, asked to be informed what was expected of him on such an occasion, drew on his riding gloves and walked out. Arrington addressed the meeting, protesting against the attempt to divide the party; Yancey followed and, as he took his seat, the body dissolved without formal motion. Colonel Seibles, however, succeeded in collecting a body of Douglas men, and a delegation to the State Convention was named by them, with Mr. Hilliard at its head, Semple, Bethea and other strong men making the number required. The State seemed to be practically united on the resolutions sent out from the Montgomery county primary. There was no other conflict in any county primaries, except in the case of Mobile, under Mr. Forsyth's influence. There was a "Court House" and an "Amphitheatre" platform adopted at Mobile and contesting delegations appointed.

Every county, save Covington, remote and unimportant, sent a full delegation to the capital, and the State Democratic Convention met January 11, 1860. Francis S. Lyon was made President, without opposition. John Erwin, a Secessionist, an eminent lawyer and large planter, was made chairman of the Committee on Resolutions. John Tyler Morgan, a young lawyer, a stranger to the delegates and hitherto unknown in politics, was made chairman of the Committee on Credentials. Mobile and Montgomery appeared with earnest contesting delegations—Forsyth leading the contestant from Mobile, and Hilliard from Montgomery. The report of Morgan's Committee was unfavorable to each. There was much and exceedingly spirited debate. Hilliard and Yancey; Forsyth, Percy Walker and Meek joining in it. Morgan defended his work, in committee, before the Convention with astonishing effect. "Who is he?" passed from lip to lip: "Surely, he is the man next to Yancey," was the only answer. Seibles at length withdrew the Montgomery contest. The Convention was in admirable temper and, on motion of Mr. Clitherall, voted to seat the Forsyth delegation. Whereas Messrs. Forsyth, Meek and Percy Walker appeared on both delegations from Mobile,

and were of the highest personal standing and known to be in a harmless minority, the motion passed.

On the third day, while the Committee on Resolutions deliberated, Mr. Forsyth offered a series of resolutions to be referred to it, important here to illustrate the deliberation in which the Convention reached its ultimate action. The resolutions declared :

“ That sinking all minor differences of opinion we will strike hands and lock shields with our brethren in the Charleston Convention from the North, South, East and West in the great battle soon to come off in which the issue is, ‘ the government and Constitution of our country, as they are, or their invasion and subversion by the Vandal hordes of Black Republicanism.’ \* \* That we will abide by the action of the Charleston Convention, not doubting it will be taken fairly and according to the established usages of the Democratic party.”

Mr. Lowe, of Madison, presented the issue with greater directness, by resolution endorsing the recommendations of Governor Letcher, to the Virginia Legislature, advising that body to summon a convention of all the States, North and South. If the differences of the sections were there discovered to be irreconcilable, it would be the duty of the convention of States to frame a plan for a peaceable separation and an equitable division of the public property. If the convention of States could effect nothing, “ the South will understand what to expect in the future.” In a few hours after these resolutions had been submitted to it, and after two days consultation, the Committee on Resolutions reported the Alabama Platform, of 1848, with the instructions to the delegates to the Charleston Convention repeated, as they had been originally given to the delegates to the Baltimore and Cincinnati Conventions. Thus in three, of four, successive quadrennial State conventions of the Democracy of Alabama, Yancey’s policy had been vindicated and his leadership established. Thus was Alabama placed in the lead of the South in the counsels of the dominating party of the Union. The 8th of the series of the Committee Resolutions declared :

“ The principles enunciated by Chief Justice Taney in his opinion in the Dred Scott case, deny to the Territorial Legislature the right to impair or destroy, by any legislation whatever, the right of property in slaves and maintain it to be the duty of the federal government in all of its Departments to protect the rights of the owners of such property.”



in the Territories; and the principles so declared are hereby asserted to be the rights of the South, and the South should maintain them."

Mr. Yancey's attention had been divided between the courts then sitting at Montgomery and the Convention. It was understood he would speak to the report of Mr. Erwin's Committee Saturday morning and close the debate. At the appointed hour the floor, the galleries and the rotunda of the building were, as usual when he appeared, crowded with ladies and gentlemen. In the peroration he said: "Even here in Alabama, aye, even in this Convention are to be found those who deprecate any decision of the question by the Charleston Convention, who insist on giving it the go by, who declare if we demand an assertion there of what we believe to be our Constitutional rights we will break up the party; or if the party should endorse us, it will be beaten in election and dissolve in defeat. ¶ You have heard passionate appeals to you not to dissolve the Union. Your fears, your love of quiet, of ease, of peace, your attachment to a party that ever has had your admiration, all have been evoked to sway your judgment against these resolutions. I appeal to a higher principle of your nature. I invoke that gallant and wise sentiment which, in days just preceding the revolution, induced your fathers to consider, discreetly, in those trying times, that 'eternal vigilance is the price of liberty'! ¶ I invoke that other principle upon which alone the Union was based, upon which alone it can be perpetuated as the home of the free—'Liberty, the Constitution, the Union,' three in one and, therefore, inseparable and indissoluble; the first an inalienated and undying principle, the last two valuable only as the machinery planned and operated for the protection of the first; and in that light, and that alone, sacred and worthy of preservation, and in that estimate only to be held inseparable from the first. \* \* But, Mr. President, I will not indulge in such gloomy anticipations. A better spirit prevails at the South than we have realized for years. Maryland, Virginia, Kentucky and Missouri are manifesting somewhat of that ancient temper which brooked no position of inequality, no act of palpable injustice."

The resolutions, one after the other, were put on their passage. The opposition never counted more than six votes, •



lead by Mr. Forsyth, in a body of four hundred and fifty-five. Mr. Percy Walker, of Mobile, and Mr. A. K. Shepard, of Perry, argued the impropriety of sending an instructed delegation to a National Convention involving a National party policy. "Why (asked these delegates) should this Convention not content itself with dispatching a bearer of its *ultimatum* to Charleston? Why commission a dozen honorable gentlemen to take their seats in a National Convention whose course is already determined here?" Mr. Yancey replied that he did not insist on the instructions, "he cared nothing for them." The question had passed beyond the necessity for such instructions. The Convention was united, and the State was united, on the principle laid down in the Platform and, the delegation to Charleston could be implicitly relied on to support it.

Francis S. Lyon was chosen, by acclamation, first delegate to the Charleston Convention. The other first seven delegates were chosen by ballot in the order named—Leroy Pope Walker, W. L. Yancey, A. B. Meek, John A. Winston, Levi W. Lawler, D. W. Baine and H. D. Smith. Robert G. Scott, J. R. Breare, John Erwin, N. H. R. Dawson, R. M. Patton, W. C. McIver, O. O. Harper, Lewis L. Cato, John W. Portis, F. G. Norman, W. C. Guild, Julius C. B. Mitchell, W. C. Sherrod, G. G. Griffin, J. T. Bradford, T. J. Burnett, A. G. Henry, William M. Brooks and Reuben Chapman completed the list.

Mr. Yancey was delighted with discovery of Mr. Morgan. To emphasize his own feeling, as well as to express the appreciation of the Convention, he placed Morgan's name in nomination for elector for the State at large, pronouncing a glowing eulogy on him. The Convention with alacrity and enthusiasm confirmed the nomination. Little things, saith the proverb, do not make great things, but little things start them. The distinguished career of John Tyler Morgan, in two Republics, commanding the confidence of his constituency, the respect of his enemies and the love of his friends, began in the maturity of his manhood, in this incident: Upon entering the door of the Convention to take his seat, after its organization, his ear caught his name called as chairman of the Committee on Credentials. He mounted, at once, a chair and was in the act of declining the place, when Judge G. W. Stone, standing by,

begged him, instead of completing his sentence, to announce the place and hour for the assembling of his Committee.

The holiday recess of the Legislature expired and the body reassembled, aglow with the spirit of the late Convention. There were no Whigs and no Democrats. Robert Jemison, an old line Whig, a Senator from Tuskaloosa, an accomplished gentleman and wealthy man, in the prime of life, introduced in the Senate, immediately, resolutions endorsing the platform and resolutions of the Convention, declaring: "It would be a dangerous, if not a suicidal policy, to submit our vital rights to the arbitrament of a Convention, a majority of whose members are from the non-slaveholding States, without demanding a distinct admission of those Constitutional rights as a condition precedent to being bound by the action of any such Convention." The resolutions passed, unanimously, recommending, as they did, the withdrawal of the Southern delegation from a National Convention, if found hostile to "vital rights," believed to be recognized by the organic law of the Union and the decrees of the highest courts.

A few days later the Legislature of Alabama formally initiated the Southern movement of 1861. The body passed certain resolutions, anticipatory of the reorganization of the federal system, in a contingency, for whose arrival the Southern States were declared to be not responsible, in any degree. The preamble expressed the mature belief of the people and was passed, along with the resolutions, by unanimous vote, save two non-concurring, as follows :

"WHEREAS, The slavery agitation persistently continued in the non-slaveholding States of this Union for more than a third of a century, marked at every stage of its progress by contempt for the obligations of law and the sanction of compacts, evincing a deadly hostility to the rights and institutions of the Southern people and a settled purpose to effect their overthrow, even by the subversion of the Constitution and at the hazard of violence and bloodshed; and

"WHEREAS, A sectional party calling itself Republican, committed alike by its own acts and the antecedents and the public avowals and secret machinations of its leaders, to the execution of these atrocious designs, has acquired the ascendancy in nearly every Northern State and hopes, by success in the approaching Presidential election, to seize the government itself; and

"WHEREAS, To permit such seizure by those whose unmistakable aim is to pervert its whole machinery to the destruction of a portion of

its members, would be an act of suicidal folly and madness, almost without parallel in history; and

"WHEREAS, The General Assembly of Alabama, representing a people loyally devoted to the Constitution of the Union, but scorning the Union which fanaticism would erect upon its ruins, deem it their solemn duty to provide, in advance, the means by which they may escape such peril and dishonor and devise new securities for perpetuating the blessings of liberty to themselves and their posterity; therefore be it *Resolved*," etc.

The resolutions required the Governor to issue his Proclamation, after ascertaining the election of a "so-called Republican" to the Presidency, calling a sovereign convention of the people, to meet within forty days. The militia was ordered to be re-organized and \$200,000 was appropriated for "military contingencies." The Senators and Representatives in Congress, from Alabama, were notified, officially, of the action of the Legislature, and copies of the preamble and resolutions were sent to each Executive of the slave States.

The Legislature, so lately chosen by the people, and the Convention, of the only party in the State, fresh from the primaries of the people, described, most accurately and with deep solemnity, the crisis which all the people understood. The harmony of the two bodies was perfect. It is one of the most mysterious anomalies of the course of public opinion that, the co-dependence of the Legislature and the Democratic Convention was the last evidence of united purpose, in the events of 1860, on the part of the people of Alabama. There was no room for denial of the facts recited in the preamble of the joint resolutions. No engagements of the future could be expected to bind the people of the North to the Constitutional rights of the South. With many struggles and misgivings and, doubtless, with many prayers for divine guidance, the old Union sentiment of the State suddenly returned to its early love. It was a common remark of Mr. Calhoun to his friends that, the people of the South were more strongly attached to the Union than they were to their liberties.\*

The voice of Alabama, in alarm, aroused Mr. Douglas to renewed efforts. He was not mistaken in the rapid trend of public opinion in the free States toward the Republican party. Stuart, from Michigan, and Dodge, from Iowa, Democrats—

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\* Perry's Reminiscences.

whose terms had expired with his, had been repudiated by their States for more radical successors. Even he had been saved to office by the intervention of a partisan statute, which created a voice in the Legislature of his State not the voice of the people. His rupture with Mr. Buchanan's Administration had placed him under the ban, socially and politically, of his own party in the slave States. His enemies within his party in the free States were implacable. William Kellogg, Representative from Illinois, speaking in the session of 1859-60 from his place in the House, said :

“ Douglas was in the habit of remarking that it was policy for him to remain in the party, in order to hold certain of the rank and file, so that if he went over from the Democracy to any other party he would be able to take the crowd along with him; and when he got them all over, he would cut down the bridges and sink the boats. \* \* After talking awhile with Douglas I inquired of him if he knew where his present course would lead him. He replied with emphasis: ‘ I do; I have checked all my baggage and taken a through ticket.’ In using this expression to me, as he did several times, he conveyed to my mind, as I think he intended to do, that he was going from the Democratic party over, bag and baggage, to the Republicans — ‘ a great Northern party,’ as he used to call it.”

Mr. Kellogg quoted numerous authorities to support his charge of infidelity against Mr. Douglas. Francis P. Blair, Republican, of the House, from Missouri, wrote an open letter declaring there had been “ an understanding, perfect and complete, between Judge Douglas and several prominent members of the Republican party, the aim and scope of which I am not obliged to divulge.” Greeley admitted, in more than one letter, that he had been called to Washington by Mr. Douglas and had met him in the Senator's own house, in private consultation, to discuss the differences between himself and the Democrats who supported the Administration. Senator Wilson, from Massachusetts, said, “ in the hearing of many persons, that ‘ he knew that Senator Douglas was all right ’ and that ‘ he intended to act with the Republicans.’ ” Mr. Douglas had no purpose of shaping himself into a hero. He saw the North rushing with headlong haste, whither it knew not, “ the confused ferment of a great, rude, untutored energy.” The paradoxes of his course denoted the earnestness of his struggle, in the thick of the conflict, for reason. He honestly

believed he could not sacrifice himself, to the South, without the inevitable result of relinquishing the North to utter radicalism.

The alarm of statesmen had been, everywhere, aroused by the display of martial instinct suddenly coming forth from the affair of John Brown, at Harper's Ferry. Since that ominous occurrence an armed truce alone stayed the collision of the sections. Political Clubs were drilled in the tactics of the field and given martial names. The President of the University of Alabama had openly declared to the Legislature its duty to train officers at that institution to command the militia for a service which was unavoidable. The pride of the dominant party of the North was the Wide Awakes, bands of citizens organized in every town under common by-laws, parading in the darkness only, bearing in their hands the murderous John Brown pike and the flambeau and concealing, under their long capotes, the Kansas knife, emblems, together with their chosen name, of Brown's ill-starred raid. In the temper of armed conflict, political parties proceeded to organize. Accordingly, when the New York State Democratic Convention met to appoint delegates to Charleston — the country persuaded that this State held the fate of the party in its control — it dissolved in disgraceful riot, one faction instructing its delegates to cast the entire vote for Douglas, while the other, the "yard stick Democracy," filled with the sympathy of the commercial emporium for Southern trade, sent a full delegation to contest. The Illinois Democracy divided, sending two delegations. In Pennsylvania, a more adroit policy controlled the Douglas men. They caused to be passed through the State Democratic Convention a resolution suspending the ancient common law of the party, which the Douglas men of New York and Illinois had adopted. This common law required that the majority of the delegation should cast the vote of all the delegates. The Douglas men, in the Pennsylvania delegation, although in the minority there, were thus to be enabled to assist, in the National Convention, the solid instructed vote of the two other great States, by adding to it a fractional part of the uninstructed vote of Pennsylvania. Mr. Douglas appeared in all the preparatory measures for joining battle at Charleston, and his friends among the delegates went equally

instructed with the Alabama delegation, in a reverse policy. One of the most honorable of press correspondents wrote:

“He put his hands on my shoulder and said: ‘I authorize you to say there is not a word of truth in the report that the President and I have settled our dispute.’ \* \* Mr. Douglas’ plan for destroying the Missouri line and thereby opening the way for the march of freedom beyond the limits of that line and the opening up of free States, in territory which it was conceded belonged to the slave States, and its march westward, embracing the whole line of the Pacific, struck me as the most magnificent scheme ever conceived by the human mind. This character of conversation so frequently used by him, with those with whom he talked, made the deepest impression on their minds, enlisted them in his behalf and changed, in almost every instance, their opinion of the man.”

The regular quadrennial Convention of the National Democratic party was called to order at Institute Hall, Charleston, Monday morning, April 23, 1860. Practically, the representation from the Southern States was a representation of the whole people of those States, in the then prevailing condition of public sentiment.

Full delegations from all the States enrolled their names — from the South, few members of Congress in the number, but from the North, many. The elegant and commodious hotels of the city, hundreds of private residences, and even some steamers, towed at the wharves, were filled with delegates and their wives and daughters and thousands of visitors, especially from the South, come to attend upon the sessions, whose import all confessed was charged with decisive results never before awaiting the action of a similar body. Southern members of Congress, while remaining in their places at Washington, maintained an organized correspondence with Southern leaders, at Charleston, by telegraph.

Among delegates, prominent at home, were Governor Robinson, of Vermont, the first Democrat who had ever occupied the Governor’s seat in his State — and who died in his bed, suddenly, ere his duties in the Convention were over — Senators Dodge, from Iowa, Bigler, from Pennsylvania, Stuart, from Michigan, Pugh, from Ohio, Bayard and Saulsbury, from Delaware; Representatives John A. Logan and Richardson, from Illinois, Payne and Vallandigham, from Ohio, Samuels, from Iowa. From New York came Horatio Seymour, Dean Richmond, Fernando Wood, Randall, the biographer of Jefferson;

from Massachusetts, Caleb Cushing, B. F. Butler, and others. There was an admitted obligation, upon the body, of division of the honors and influence at its command between the sections. Thus, at the outset, an intensity of Douglas rivalry impaired the dignity of the proceedings and gained permanent and fatal advantages. It was agreed that the South should supply the temporary Chairman. The concession was neutralized by the selection of Flournoy, from Arkansas, the only Douglas man from his State and one of the few present from his section. The ruling of the temporary Chairman seated the Douglas delegations from New York and Illinois and permitted them to participate in proceedings decisive of their own rights. Fisher, from Virginia, rose to read the protest of the Fernando Wood delegates, favoring the South, against the partiality shown to the Dean Richmond, or Douglas, delegates, from New York. Cochrane, of the latter class, hoping to deter the reader, stoutly resisted the procedure. Leroy Pope Walker, official leader of the Alabama delegation, a man of tall stature, went upon the stage to confront the presiding officer with charges of injustice in his ruling against Fisher and for Cochrane. Amidst boisterous scenes, Walker leaped upon the Secretary's desk, denouncing the decision of the Chair. Chairman Flournoy remained unmoved and Wood's protest was not heard:

Mr. Cessna, who had led the Douglas men in the Pennsylvania Convention to a great advantage, now came forward with a substitute for several motions ostensibly looking to the same end. He moved that two committees be appointed, "one committee on permanent organization and another on credentials." On Tuesday morning he appeared on the floor as Chairman of the Committee on Organization, with its report, short enough. He presented the name of Caleb Cushing for President of the Convention, and hardly had the applause ceased to resound and the vice-Presidents been named when he resumed the reading, a mere sentence, re-affirming the rules of 1852 and 1856 — "with this additional rule." The "additional rule" was the Pennsylvania partisan act rescinding the common law of the party. It was contained in a few words, big with the fate of the party, as follows :



*"That in any State, which have not provided by its State Convention how its vote may be given, the Convention will recognize the right of each delegate to cast his individual vote."*


"This additional rule" reversed the common law of the party, as established in the case of Pennsylvania, in the Cincinnati Convention, of 1856, and the case of Virginia, in the Baltimore Convention, of 1852. In both of these cases, it was decided that the vote of the State should be determined by the majority of the delegates and should be counted as a unit. Mr. Cessna's amendment was intended to remove the impediment of the common law to the success of his chief. The friends of Mr. Douglas had discovered, upon a thorough canvass of the delegates, that it would require the minority Douglas delegates, found in the Southern delegations, uninstructed by State Conventions, added to the Northern Douglas States, instructed, to secure for their leader even a promise of nomination. The history of the adoption, in committee, of the amendment, exposes its revolutionary character. The Committee on Organization, in its deliberations on Monday evening, considered and rejected it by a decided majority. The committee, at the close of this, its first session, adjourned, by common consent, *sine die*, and the morning newspapers so reported. Tuesday morning, however, at an early hour, Mr. Chairman Cessna went forth to summon members to reconvene. The call did not reach all members. The member from Missouri, the member of Louisiana and the member from Texas, all opposed to the amendment, were not called. At a meeting of the fragment of the Committee, Mr. A. B. Meek, from Alabama, in his own handwriting, offered "this additional rule." Debate followed, members protested, but the majority present agreed to report it. An hour later Mr. Cessna presented the report of the full committee, as prepared Monday evening, supplemented by the bastard amendment. Mr. Hubbard, the committeeman from Texas, appealed to the body of the Convention to pause, hear the tale from him and reject "this additional rule." Others spoke in the same line of argument. Mr. Yancey was in his seat, but was silent. Months later, he said: "It was a rule concocted by a remarkably smart man, and was so cunningly devised its effect was not suspected until the Convention had passed it." In truth,



the South was well content with Caleb Cushing for presiding officer, upon whom the selection of the Committee on Platform would fall; a false sense of reciprocity of comity of factions occupied the minds of Southern leaders, while Northern leaders prepared to suppress the traditions of the party as well as the fundamental principles which, in all past time, National Democratic Conventions had been organized to express as the State Rights theory of government.

Mr. Flournoy, temporary chairman, as has been said, refused to entertain a protest against seating the delegations from New York and Illinois, until the Convention should pass upon the contest for seats appearing from those States; and, by his ruling, the Douglas faction from both assisted in Committee to bring forward the additional rule and assisted to pass it through the Convention. Next in order, came the two reports from the Committee on Credentials. The one seating the Douglas delegates from each of those States, the other, offered by Mr. Brooks, from Alabama, denouncing the claims of both delegations from New York as so disreputable and fraudulent as to be unworthy of recognition by the Convention and advising, under the circumstances, that both be allowed seats, with the voting power of one. Mr. Cushing, taking the chair, spoke in animated words. He hoped the Convention would drink in the spirit of the maxim engraven on the tomb of Calhoun, hard by: "Truth, Justice and the Constitution." "(Tremendous cheering.)" "Opposed to us (he said) are those who labor to overthrow the Constitution, under the false and insidious pretense of supporting it; those who are aiming to produce in this country a permanent sectional conspiracy—a permanent, traitorous sectional conspiracy of one-half of the States against the other half; those who, impelled by a stupid and half insane spirit of fanaticism, would hurry our land on to revolution and civil war." So spake the presiding officer presented to the Convention by the real author of the "additional rule"—Mr. Cessna.

Mr. Yancey remained quietly in his seat in the four full days the Convention passed in waiting for the report of the Committee on Platform. He had not been assigned to any of the committees, for it was well understood the proper work for him would come in the crisis of action. He asked the



Convention to obtain the consent of the city authorities to spread saw-dust on the paving stones in the vicinity of the hall; and, at another time, moved, in a single sentence, that one member from each contesting delegation be allowed to be heard on the floor before the final vote of the Convention on the report of Committee on Credentials. "(Applause, and cries of 'no,' 'no.')" Beyond these motions he was silent.

At the afternoon session of the fourth day it was evident the Convention had grown restless in the apprehension that the Committee on Platform would not agree upon a report. Mr. Sayles, from Rhode Island, sent a resolution to the chair and moved the previous question. Mr. Sayles' resolution required the Committee to report, at once, the Cincinnati Platform, with the supplemental declaration that, to preserve the Union the equality of the States must be maintained and that, to preserve the equality of the States "every branch of the federal government shall exercise all its Constitutional powers in the protection of person and property, both in the States and Territories." "(Great applause.)" The motion was overruled and the Convention, to preserve its temper, adjourned, to meet at ten o'clock the following morning, the fifth day.

News spread rapidly on the streets, Thursday evening, that the Committee on Platform would appear before the Convention the next morning with an account of their disagreement. As hostile armies confront each other in final preparations for the collision of the coming morn, so passed the night in the places where the delegates of the sections discussed the approaching decisive day of the Convention. Rev. Dr. Smyth, of the city, prepared a special prayer for the opening of the session Friday morning. He petitioned that "the spirit of moderation, discretion and forbearance might prevail"; that "every counsel of Archithophel might be brought to nought"; that the spirit of Washington "or, rather, the spirit that made Washington what he was," might animate his posterity to "live under the wide banner of the glorious Constitution."

Promptly, Mr. Avery, from North Carolina, chairman of the Committee on Platform, ascended the stage with the Majority Report. He read it amidst profound silence. He explained it

at length. Congress had never recognized the sovereignty of first comers on the common domain; Congress was, at that moment, preparing to suppress polygamy in an unorganized Territory; it was not an "abstraction" to contend, as the report did contend, that the Constitution extended to the Territories and that Congress should protect person and property there. Possibly slaves might never be carried to any of the present territorial possessions of the United States, but the Democratic party, North and South, had long been committed to the acquisition of new territory in latitudes favorable to slave labor. The Committee was unanimous in advising the enlargement of the area of the Union to the southward. Cuba, Mexico and Central America were inviting fields for the occupation of the energies of the people of the United States, and great statesmen had advised important additions to the Union in that direction. It was a practical question, therefore, to be determined whether person and property should be protected by the government of the Union wherever the flag of the Union waved:

"I know it is said (continued the speaker) that the sentiment of the men of the North is such that they dislike to be thrown into association with the owners of slaves. Gentlemen of the Convention, you from the North, I ask you to correct that sentiment among your people, for it is that sentiment of antagonism, that feeling of the people of the North and of the people of the South that will create disunion. \* \* It is no solution of this question to refer it to the Supreme Court. We are all law-abiding people, North and South, I hope. We ask that there shall be no equivocation and that there shall be no doubt left in the minds of the people of the fundamental principles upon which we shall erect the Democratic banner, uninfluenced by considerations of sectional interests or the interests of individuals."

The minority had intrusted their report to Mr. Payne, from Ohio. Explaining it, Mr. Payne said, he was aware the people of the South were frightened. "(Voices, 'no danger of that.')" It had been pronounced a sacrifice of rights and dishonorable to accede to the demands of the North. One of the majority resolutions required the flag to protect property on the high seas. To a man, the Abolitionists would say this meant protection to the slave trade.

"I ask you (he said) to look at my own State, Ohio, where Abolitionists rave as madly and as wildly as in any other part of the globe.

None of you of the South have an army of two hundred thousand crazed fanatics to deal with. When the Missouri compromise was repealed these men carried the State by eighty thousand majority and elected every one of twenty-one members of Congress. \* \* I say, with perfect confidence, that I do not believe we can elect a single member of Congress in the whole Northwest, outside of Lower Egypt, on the doctrine of intervention."

Mr. Butler, from Massachusetts, a member of the committee, submitted as a substitute for the minority report the Cincinnati platform, "pure and simple," he said. The country was prosperous and the subject of dispute should be ignored. When balloting began he would cast his vote for a man who, if elected, would be a President for both sections. The man was Jefferson Davis.

The Convention adjourned to meet at four o'clock in the afternoon. Yancey and Pugh would speak for the sections. When the President took his seat the floor and galleries were already packed and thousands surged in disappointment at the street door. The friend of Yancey's youth, Mr. Alfred Huger, met him at the entrance to the hall, grasped his hand and whispered: "Remember, it is glorious to have a giant's strength, but more glorious not to use it." The orator pleasantly assured his venerable monitor that his friends should have no cause to regret his words. While the great concourse of ladies and gentlemen crowded into position on the floor and in the galleries, Mr. Barksdale, from Mississippi, delivered a short but animated speech, declaring the Democratic party "was born with the Constitution; the two rose together and will fall together." Mr. King, from Missouri, followed, for the expectant throng had not yet composed itself to receive the debate between the Northern and Southern chosen champions. Mr. King proceeded in a loose discourse; he was alarmed; he was well persuaded that party policy required the acceptance of the minority report; he verily believed, if the Convention accepted the majority report, "at the November elections there would not be Democrats enough left in the Northwest to tell that any had ever lived there."

In the gloaming of the May day, the high hall ablaze with light, the most ancient, polite and splendid society of America gathered there, Mr. Yancey arose from his seat on the stage. Instantly burst forth from floor, lobbies and galleries the most

wonderful demonstration orator ever received. Frenzied thousands on the street took up the shouts within and sped their own deep tones far into the homes of the people. On rang the plaudits, within and without — “the ladies covered him with flowers.” The silent orator brushed a tear from his eye. In sheer weariness of repeating itself, the clamor died away; Turning to the presiding officer, he suggested some alteration of a rule regulating the length of speeches, desiring that both he and the “representative man of the North” who was to follow him should be permitted to complete their arguments. The Chair desired to know how much time the orator would require; the audience responded with cries, “Go on;” “Go on.” It was a mere business colloquy; the orator promised to condense his argument to the limit of justice to his cause. Turning then to Mr. King, he expressed regret that “an unnatural speech had fallen from a Southern delegate, a representative of the State whose admission to the Union had caused the South nearly all her trouble.” Such was the exordium and the scenes surrounding an example of oratory which must be allowed to vie in potency with all oratory which embellishes the annals of a free people. The well chosen words, suppressed passion, the magical tones, the pathos, the logic, the almost supernatural power of the man made the speech which brought light and force to forty years of public thought. It was the natural utterance of painful and protracted public anxiety. It was the articulate sense of resolution in the public mind aroused to action. In the hour and a half of its delivery profound silence alternated with vehement applause. A Northern delegate rose to complain. For an hour and twenty minutes, he said, the Convention had been compelled to submit to recurring scenes of enthusiasm unsuited to its work. He would demand the galleries be cleared. Mr. Rynders, from New York, mortified and indignant, cried out: “Mr. President, you will have to stop Mr. Yancey from speaking, if you expect to suppress the applause on the floor.” “(Tremendous applause.)”

Mr. Pugh rose in reply, saying with emphasis proper to a noble appreciation of the scenes of the hour: “I thank God we have had one true and honest man from the South to speak to us, who hides behind no equivocal expressions!” His

voice was sharp, his manner excited, but there was ability and earnestness in his speech. His friends came to his relief, however, in a motion to adjourn until half past ten o'clock the same night. At that hour the Ohioan resumed: "My fellow citizens (he said), the reason why I objected to the first proposition contained in the majority report is, I can see no Constitutional authority for it. When the honorable gentleman from Alabama, or any other gentleman, can show me any authority for it in the Constitution I will go with him." Congress had never received power to substitute itself for a Territorial government. Squatter sovereignty had carried slavery wherever it had gone and given it all the protection it could receive. There was a right of emigration from the States to the Territories. The emigrant did not carry with him the law of the State whence he came, but did carry with him the right of self-government. This was Americanism. No platform could cover the extent to which this Americanism could go.

"And here (he said) let me make a single observation, in reply to the gentleman from Alabama, and the gentleman from Massachusetts. I agree that no Court, Supreme or Inferior, has any right to bind any State in the last resort. (Applause.) I believe the federal government to be founded on mutual compact between the States, and as the States entered into that compact of their own sovereign will, so it belongs to each of them as the arbiter of its own destiny to decide when the compact has been broken and the mode and manner of redress. (Great applause.) But while I say that, I say in reference to the federal government itself, within its own sphere, with reference to its co-ordinate Departments, it must of necessity result that the decisions of the judiciary are to be respected. \* \* I will make one further remark in reference to this subject. I believe, in a condition of a Territory that may be supposed, and where a people have shown themselves incapable of self-government, it may become the duty of the federal government to interpose to prevent anarchy and confusion and for the protection of private and personal rights. \* \* I admit that the affairs of a Territory may be so conducted by Emigrant Aid Societies, or any other set of disorderly men, as to form a virtual prohibition of American citizens to emigrate there, without subjecting themselves to confiscation of their property, to abuse of the judicial power or refusal to obey the mandates of the federal courts and, in that case, I grant the whole power of the government may be brought to correct the evil."

Had the peril of the liberties of the country presented itself to the Northern and Southern Democrats alike? The

Northern members of the Convention hoped the "permanent conspiracy," as Mr. Cushing phrased it, could yet be overthrown by concessions from the South, on the question of squatter sovereignty. This advice was encountered, at the outset, with evidence that Mr. Douglas, the prophet of the doctrine, was far more disposed to concede to the Republicans of the North than to the Southern wing of the Democratic party. Nothing more clearly exposed the sectional division of the party than the criticism of Mr. Pugh upon the Dred Scott case. The language of the Court, referring to the authority of Congress over the Territories to enact laws proscriptive of person or property, was :

"It is a total absence of power everywhere within the dominion of the United States. \* \* And if Congress itself cannot do this—if it is beyond the powers conferred on the General Government—it will be admitted, we presume, that it could not authorize a Territorial government to exercise them. It could confer no power on any local government, established by its authority, to violate the provisions of the Constitution."

The Alabama Platform demanded the recognition of the principle here laid down, not because it was the decree of the Court, in a particular case, but because it was the Constitutional theory, necessary to the administration of the government, in reverence for which the party should educate public opinion. This was the issue forced by Yancey, since 1848, and sanctioned in its statesmanship, eight years later, by a judicial construction. But the delegates in the Convention, from the North, declared the construction of the Court would not be accepted by the party, in that section, and that assent to it, in convention, would result in immediate disintegration of the Northern Democracy. Mr. Pugh argued that the issue presented by Alabama could be consistently avoided. The Court had not touched the question of authority in the Kansas Territorial Legislature over slavery. "I admit (he said) that the constitutionality of the Missouri compromise was fully before the Court, but I say that the power of the Territorial Legislature was not before the Court. \* \* I stand upon every syllable of Judge Taney's decision. I repudiate nothing in it." Neither did Yancey repudiate anything in it, but accepted all. Had the exigencies of the sections passed beyond the range of argument?



The debate of the sections had, to all practical purposes, now closed, forever, on the question of slavery. Yancey's speech had made a profound impression strengthened only by Pugh's reply. The moment Mr. Pugh ceased, midnight as it was, Mr. John Cochrane, from New York, rose to offer a resolution which covered the extremest Southern view. Mr. Bishop, from Connecticut, thought the opinion of every delegate had been made up for four years and all further amendments or discussion was useless. The body adjourned until the next day.

The Convention assembled Saturday morning at 10 o'clock, a deep solemnity resting on every countenance. The West remained firmly devoted to the fortunes of its chief. The East sought not to conceal its intense anxiety. Mr. Spinola, from New York, broke the silence, which seemed only grateful to all, with a motion to dispense with the reading of the journal. Senator Bigler, from Pennsylvania, next rose. He said, never before had the Democratic party been in a condition so critical. He had risen only for the purpose of impressing on the minds of all, if possible, the importance of moving with calmness and deliberation, for the purpose of reconciling, if possible, those differences of opinion prevailing in the same family, which, if permitted to survive, must overwhelm all in one common ruin. He would speak for the unity of the Democratic party, convinced that the Union of the States depended upon the reconciliation of its present divisions. Mr. Bishop, from Connecticut, Douglas follower, called the speaker to order on a technicality. The Chair decided promptly Mr. Bigler was not out of order. Mr. Bigler then moved that the majority and minority reports be recommitted to the committee, with instructions to report within one hour. Seven resolutions, the substance of which was, that the government of a Territory was provisional and temporary; that any citizen had a right to settle with his property in any Territory; that the Democratic party stand pledged to the doctrine that, it was the duty of Congress to maintain, *in the Territory, all* rights of person and property; that nullifications by States of the fugitive slave law, "were hostile in character, subversive of the Constitution, and revolutionary in their effect." Mr. Montgomery, from Pennsylvania, Douglas follower, moved to lay Mr. Bigler's



resolutions on the table, for he "did not regard a Congressional slave code as a proposition of compromise, nor would he consent to squint toward the reopening of the African slave trade." The feeling of the Douglas men had grown resentful. Mr. Cochrane, from New York, endorsed the substance of Mr. Bigler's resolutions, and argued "there should be proper and Constitutional protection to the persons and property of citizens settling in the Territories." Mr. Walker, from Alabama, moved that Mr. Bigler's resolutions be divided. The vote was then taken upon that division which called for re-committing the reports, and it was decided in the affirmative by one majority. Mr. Bayard, from Maryland, objected to any instructions to the committee. He would leave it free to report at its own discretion. Mr. Brooks, from Alabama, moved to lay the instructions on the table, and this motion prevailed, 242½ to 56½. Mr. Miles, from Maryland, asked permission to say that the representative from his State, on the Committee on Platform, had denied, by his vote on that committee, the authority upon which he had received his commission, and did not represent the State.

The Committee on Platform retired, and the Convention took a recess until 4 o'clock. Reassembling at that hour, Mr. Avery, its chairman, took position on the stage, announcing the majority report, into which, he said, had been incorporated the meaning of the resolutions of Mr. Cochrane, Mr. Bigler and Mr. Bayard.

#### THE MAJORITY REPORT.

*"Resolved:* That the platform adopted by the Democratic party at Cincinnati be re-affirmed, with the following explanatory resolutions:

*"First:* That the government of a Territory, organized by act of Congress is provisional and temporary; and during its existence all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of person or property being destroyed or impaired by Congressional or Territorial legislation;

*"Second:* That it is the duty of the federal government in all its departments to protect, when necessary, the rights of persons and property in the Territories, and wherever else its Constitutional authority extends;

*"Third:* That when the settlers of a Territory, having an adequate population, form a State Constitution, the right of sovereignty commences, and, being consummated by admission into the Union,

they stand on an equal footing with people of other States; and States thus organized ought to be admitted [into the Federal Union whether its Constitution prohibits or recognizes the institution of slavery;

*“Fourth:* That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practicable moment;

*“Fifth:* That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law are hostile in character, subversive of the Constitution and revolutionary in effect;

*“Sixth:* That the Democracy of the United States recognize it as imperative duty of this government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native born citizens;

*“WHEREAS,* One of the greatest necessities of the age in a political, commercial, postal and military point of view, is a speedy communication between the Pacific and Atlantic coasts, Therefore be it

*“Resolved,* That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of the Constitutional authority of Congress, for the construction of a Pacific Railroad, from the Mississippi River to the Pacific Ocean, at the earliest practicable moment.”

Mr. Samuels, from Iowa, was charged with the duty of reading the minority report. The points of agreement between majority and minority reports of the committee were found to be: (1) Reaffirmation of the Cincinnati platform; (2) the acquisition of Cuba; (3) protection abroad of naturalized citizens; (4) denunciation of the nullification acts of the free States; (5) the duty of the federal government to build a trans-continental railroad.

The points of difference shown in the reports were set forth in the preamble and one resolution of the minority as follows:

*“Inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers of a Territorial Legislature and as to the powers and duty of Congress under the Constitution of the United States over the institution of slavery within the Territories:*

*Resolved,* That the Democratic party will abide by the decision of the Supreme Court of the United States on the questions of Constitutional law.”

The minority report avoided the question at issue. The minority report was, in effect, a surrender of the principle upon which the party of Jefferson was founded. It was manifestly impossible to relegate the present “questions of Constitutional law” to the Supreme Court, in advance of the

action of the party upon those questions. The Court itself must, in the nature of the federal system, be the creature of the party. The party now in convention had rescued the government, including the Court, from the policies of John Adams. This party, alone, could instruct the suffragists in sound principles and methods necessary to uphold the Court itself. For example, should the Court be created by the Republican party it would reflect the favorite doctrine of that party—that the Declaration of Independence, and not the Constitution, was supreme; that rights could not rise above their source; that, under the Constitution, derived from the Declaration, the rights of human nature were inalienable, and slavery impossible. Mr. Seward held “all compromises to be radically wrong and essentially vicious.” Mr. Sumner, referring to the Dred Scott decree as an insult to the age, declared he knew “too much of the history of judicial proceedings to regard them with superstitious reverence.”

The delusive character of the minority report, in its point of difference with the report of the majority, became apparent with the least attention to the structure of the government itself. The Supreme Court was not competent to act upon the party question at issue until the Legislative Department of the government, chosen by the parties, should act. The question of protection to slave property, in the Territories, could not become a judicial question until a Congress, elected by parties, should pass a law protective of that property. The Court might review the law, to pass upon its constitutionality, but it must have remained powerless and, even, voiceless in this emergency until, first, the party and, next, the Congress and the Executive should precede it in action. Legislation, even within the Constitution, was a matter of sound discretion with Congress. The Court, in the nature of its power, could not inquire into the motive of Congress in refraining from legislation, nor compel that body to legislate. Therefore, protection to slavery in the Territories could not become a judicial question, until the enactment by Congress and the approval by the President of a protective statute for that kind of property. The “abstract” question, avoided by the minority report, could not be avoided by the people or the party. Perhaps slavery might not desire to enter any of

the common domain, then owned by the government, but both reports called for the acquisition of territory in semi-tropical regions, where slave labor was imperative.\*

Nor was the minority report in any measure educationary of public opinion on the vital question fully set forth in the majority report—the right of Congress to determine the domestic institutions of the States. The question of the day was, the preservation of the federal system, regardless of any relations which the protection of slavery, at a future time, might bear to that system.

Mr. Butler presented, the second time, his substitute for the minority report. The day before no State had sustained him. Now, besides speaking for Massachusetts in his own person, he received the support of the committeemen from three other States—New Jersey, Indiana and Minnesota.

“You say, gentlemen of the Convention, (he said), you want an interpretation of the Cincinnati platform. \* \* Do you desire to send us home to be subjected to the sneers of the Black Republicans, telling us we have gone and laid down our honor at the feet of the South and pointing at us as they pass us on the streets? You say a distinguished Northern gentleman has given a wrong interpretation. Well then, get some equally distinguished Southern gentleman to give a right interpretation and then legislate without waiting for the Supreme Court. The Senate last year passed resolutions of Mr. Jefferson Davis, upon which we can all stand, interpreting this question.”

Saturday, all day, and almost until midnight, the Convention sat, irresolute. Angry debate prevailed. Mr. Burrow, from Arkansas, said he was unable to perceive why the small States should be recognized as the equals of the large States, each having a single representative on the Committee which reported the platform, and yet when the platform came before the Convention for determination the principle of States equality was to be destroyed in the vote about to be taken. He hoped Southern men would stand firm. The name of the Republican party was “Black Knight”; the name of a faction of the Democracy was “Squatter Sovereignty.” The first came with bold front, defiant, even, with disloyalty and treason emblazoned on his crest; the latter came in the name of a

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\*In 1867, a Republican party Administration acquired Alaska, equal in area to ten large States, thus indicating that the united call of the factions of the Democracy, in 1860, for more territory was consistent with the American spirit.

brother but, to him, was the most dangerous, because the most insidious of enemies. The chair said it was physically impossible for him to control the Convention when half the members were on their feet at the same moment — that he could not go into a contest with six hundred men, as to who should cry the loudest. As to himself, unless gentlemen would come to order he would vacate his seat.

Hopeful, few were. None, perhaps, contemplated the dissolution of the party which had controlled the government, with little interruption, for more than half a century, save with emotions of profound solicitude. Sunday night, Mr. Richard Taylor, son of the soldier-President, a delegate from Louisiana, and a young gentleman of persuasive address, resolved to make a final effort to restore harmony. He set out to find the Alabama delegates, in their places of abode, and to bring them into conference, where he would, himself, appear as peacemaker. Long after midnight the conference was assembled—twenty-five gentlemen to decide the fate of the Convention, certainly—possibly to decide the fate of the party and of the Union. Yancey made a calm review of the situation. He would unite in any equitable policy of harmony. He did not consider the delegation bound, except by the intent and spirit of the instructions they had brought with them. To preserve the party, with a party policy substantially based on the principles of the Alabama Platform, was the meaning of the instructions. Hearing Yancey, and others, after him, Taylor hoped his missionary labor had not been fruitless. Winston at last spoke. He had not been a member of the State Convention, and had been appointed a delegate without his consent. He proceeded to answer his own speech, at Baltimore, of 1848. He accepted appointment and would execute his instructions as they came to him along with his commission. He did not approve the instructions. He thought they had been originally conceived to pull one man (Douglas) down and set another man (Yancey) up. He thought it was too late now to object to squatter sovereignty. The North was determined to enforce it. He had come to the Convention resolved to force those who had brought the trouble from Alabama to stand by their work. He would withdraw from the Convention under his instructions. Winston's

speech dissolved the conference, just as the first rays of morning light broke the horizon. Claverhouse, the fiercest and sternest of the race of Graham, forced his unlucky captive rival, the great MacCallum More, to march on foot, bare-headed, through the whole length of the most splendid street of Edinburgh, with the hangman in the lead; and the deed of compulsion was accounted heroic.

Mr. Butler's substitute came to the vote first, on Monday. Received with ridicule on Friday, it now commanded more than one-third of the votes of the Convention. The minority report was called up for consideration and here Mr. Butler urged that the Convention should make haste to adjourn. The minority report, however, was considered, section by section. The first section, re-affirming the Cincinnati Platform, was adopted, 237½ to 65—the cotton States casting most of the negative votes. The preamble and section binding the party to “abide by the decisions of the Supreme Court of the United States on questions of Constitutional law,” was next considered. Mr. Winston argued against the proposition; Mr. Bedford Brown, from North Carolina, warned the Convention that the proposition would sweep off every barrier of the reserved rights of the States. This section was rejected with practical unanimity—238 to 21—Georgia, Florida, Alabama, Mississippi, Louisiana, Texas and Arkansas refusing to vote. The same States refrained from voting on any of the remaining separate sections, all of which were adopted with practical unanimity.

The minority report, except the preamble and resolution relating to the obligation of the party to abide by the decisions of the Supreme Court on questions of Constitutional law, was then adopted, 165 to 138. The disastrous effect of the “additional rule” became manifest. The vote stood:

	<i>For</i> <i>Minority Report.</i>	<i>Against</i> <i>Minority Report.</i>
Maine.....	8	....
New Hampshire....	5	....
Vermont .....	5	....
Massachusetts.....	7	....
Connecticut.....	6	....
Rhode Island.....	4	....
New York.....	35	....
New Jersey.....	5	2

Pennsylvania .....	12	15
Delaware .....	....	3
Maryland .....	3½	4½
Virginia .....	1	10
North Carolina .....	....	11
South Carolina .....	....	8
Georgia .....	....	10
Florida .....	....	3
Alabama .....	....	9
Mississippi .....	....	7
Louisiana .....	....	6
Texas .....	....	4
Arkansas .....	....	4
Missouri .....	4	8
Tennessee .....	1	11
Kentucky .....	2½	9½
Ohio .....	23	....
Indiana .....	13	....
Illinois .....	11	....
Michigan .....	6	....
Wisconsin .....	5	....
Iowa .....	4	....
Minnesota .....	4	....
California .....	....	4
Oregon .....	....	3
	<hr/>	<hr/>
	165	138

A minority of a committee, representing a minority of States, were enabled by chicanery to force the Convention into a destructive act. Had the delegates cast their votes as individuals, the majority report would have been accepted by the Convention. Had the common law of the party, requiring the States to vote as units, and which had been acknowledged in the Pennsylvania case, of 1856, and the Virginia case of 1852, prevailed the votes would have stood, 154 for the majority report to 149 for the minority report. The "additional rule" interfered, to put the Convention in control of the free States and particularly the Western States, who, it was reasonable to suppose, would not be able to cast even one electoral vote for the nominees of the Convention.

The situation was painfully considered by the friends of Constitutional Union. Had not the party been dissolved? And by whom? Should not the party be instantly reorganized to execute its ancient principles? Brave leaders were



ready to undertake the last named alternative. It was known that the Whigs of the border States, who had supported Buchanan, were preparing to revive the Whig party, while a large voting population in the free States demanded a Constitutional party. The Douglas faction seemed to be strong, only in the West, where the vote was hopelessly Republican.

So soon as order was restored, after the announcement of the vote on the report, Leroy Pope Walker rose and in an impressive manner read the Alabama Protest against the action of the Convention, read also the Alabama Platform and the report just submitted to the Convention, by the majority of its Committee on Platform. The document recapitulated the fact that the declaration of principles demanded by Alabama had been made by "a majority of a Committee on Resolutions, representing not only a majority of the States of the Union but also all the States at all likely to be carried by the Democratic party in the Presidential election." The closing sentence announced :

"Instructed, as we are, not to waive the issue, the contingency therefore has arisen when, in our opinion, it becomes our duty to withdraw from this Convention. We beg, sir, to communicate this fact through you, and to assure the Convention that we do so in no spirit of anger but under a sense of imperative obligation, properly appreciating the responsibilities of our course and cheerfully submitting to the consequences."

The signatures attached, in the order here given, were, L. P. Walker, Chairman ; F. S. Lyon, John A. Winston, Robert G. Scott, A. B. Meek, J. R. Breare, H. D. Smith, John Erwin, W. L. Yancey, D. W. Baine, N. H. R. Dawson, R. M. Patton, W. C. McIver, D. D. Harper, Lewis L. Cato, John W. Portis, F. G. Norman, W. C. Guild, Julius C. B. Mitchell, W. C. Sherrod, G. G. Griffin, J. T. Bradford, T. J. Burnett, A. G. Henry, Wm. M. Brooks and R. Chapman, representing 9 votes. Profound silence ruled. The Alabama delegates retired and the Convention sat as if dazed with the scene. Mr. Barry, from Mississippi, rose and read in clear tones the Protest of his State, announcing the "withdrawal" of its delegation. Rapturous applause now broke forth from the floor and the galleries, as if the members had awakened to the occasion. In quick succession, Governor Moulton, from Louisiana, General



James Simons, from South Carolina, Mr. Milton, from Florida, and Mr. Bryan, from Texas, read the Protests of their respective States and announced, amidst ever recurring applause, their withdrawal from the Convention.

The Convention again sat, for moments, in silence. Mr. Merrick, from Illinois, rose, excitedly exclaiming: "Mr. President, and gentlemen, in what crisis are we called to act! Star after star madly shoots from the Democratic galaxy. Why is it and what is to come of it? Does it presage, that, after now, star after star will shoot madly from the galaxy of the Republic and the American Union become a fragment—a parcel of sectional Republics? No, sir; no." Mr. Merrick moved an adjournment. Mr. Saulsbury, from Delaware, announced that two of his colleagues, being a majority of the delegation of his State, had withdrawn, informally, from the Convention. He was in full sympathy with their principles, but would retain his seat until further reflection should determine his course.

With the opening of the Convention, on Tuesday, the next morning, the Georgia delegation withdrew—four of the twenty-six delegates protesting the act. Immediately following, the majority of the Arkansas delegates formally withdrew. The delegations of Tennessee, Kentucky, Virginia and Maryland separately retired for consultation. In the interval, Mr. B. F. Perry, from South Carolina, who had refused to follow when the majority of the delegates from his State withdrew, rose to address the Convention. He was a well known Unionist, a gentleman of ability, of commanding appearance and a fluent speaker. The galleries received him with shouts of derision. The motion was made on the floor that he should go upon the stage to speak. The presiding officer ordered the galleries cleared, but Perry objected. He desired his countrymen should hear his argument, he said. Mr. Perry was quite convinced the withdrawing delegates would all return, the harmony of the Convention be restored and a candidate acceptable to all be nominated, should the body simply re-affirm the Cincinnati platform, annexing a resolution endorsing "the principles enunciated by Chief Justice Taney, in the Dred Scott decision." Judge Douglas, at home and in the Senate, however, had industriously cultivated a sentiment of resistance to the principles of that decree, and Democrats of his

following, at home and in the Convention, had renounced them. Mr. Perry's position as to doctrine was, in truth, an endorsement of the Alabama Platform. He differed with his colleagues only in his view of methods and measures necessary to maintain a principle, upon which all were agreed. At the conclusion of Mr. Perry's short speech Mr. Howard, from Tennessee, offered two resolutions, both objectionable to the Douglas men. The first affirmed the Dred Scott decree. The second required :

*"The chair shall not declare any person elected as the candidate of this Convention unless he shall have received two-thirds of the whole number of votes in the Electoral College."*

Mr. Russell, chairman of the Virginia delegation, thereupon announced that action taken upon the second resolution would determine whether his State would remain in the Convention or not.

The first resolution, offered in accordance with the suggestion of Mr. Perry, was ruled out of order. The second resolution was then offered by Mr. Howard, as privileged. An excited discussion followed, lead by Senator Stuart, from Michigan, opposed to it. Mr. Stuart contended that, "two-thirds" of the Convention, meant two-thirds of a quorum only ; and that a motion to change the rules must lie over one day. The chair held Mr. Stuart's objection untenable. The Convention had no legal authority. It was the representative of the opinion of a party, and the members were the party. A nomination by the Convention was a Constitutional necessity, but a nomination by a fractional part of the Convention which attempted to bind the people of the United States, would be a vastly greater inconvenience than the inconvenience which might arise from the fact that a secession of one-third of the Convention had prevented any nomination at all. An appeal was taken from the ruling of the chair, which had declared "two-thirds of the votes given" meant two-thirds of a full Convention, and the chair was sustained, 144 to 108. Stuart, thereupon, moved that all individual delegates should be bound by the nomination. The motion was ruled out of order.

Howard's second resolution, put upon its passage, was adopted by 141 to 112 ; the customary motion to reconsider was made, by Mr. Bigler, and was, on his motion, also laid on

the table ; and thus Douglas' nomination was made impossible, under the rules. The rules were never changed, at Charleston or elsewhere. Mr. King, from Missouri, whose State Convention, in giving him his commission, had passed resolutions condemning Douglas, placed Douglas' name in nomination for the Presidency. Balloting began. Douglas, Guthrie, of Kentucky, Hunter, of Virginia, Toucey, of Vermont, Dickinson, of New York, Lane, of Oregon, Davis, of Mississippi and Pearce, of Maryland, received the votes cast. In two days, fifty-seven ineffectual ballots were taken, Douglas leading each. On the tenth day of the Convention, a resolution of adjournment passed, which appealed to "the Democratic party of the several States to make provision for all vacancies," preliminary to re-assembling at Baltimore, the next month. The chair, in dismissing the body, reminded it that it "held in its grasp the fortunes of the Constitution." The Convention adjourned with 55½ votes from the free States opposed to Douglas, all but seven being from the East.

Mr. Cessna, of the Douglas minority in the Pennsylvania delegation, and Mr. Winston, of the Douglas minority in the Alabama delegation, are justly entitled to appear as determining influences on the current of the revolution. The one fell upon an inglorious trick, the other upon a desperate jealousy in a fearful crisis of civilizations at war.

There was no absence of purpose on the part of the withdrawing delegates and no delay allowed in their course. They assembled at St. Andrew's Hall the evening of the day of their withdrawal, to consult upon what steps to take to promote Southern unity. A large concourse of citizens came to the hall. "It is a grave and important crisis," said Yancey, when he moved to clear the hall of spectators, until the meeting should organize "with that dignity and moderation becoming to so great an occasion." John S. Preston, from South Carolina, was called to the chair, temporarily ; James F. Bayard, from Delaware, was chosen President of the body. Yancey feared the meeting would be called, to its prejudice, "the seceded Convention." As the delegates had not seceded from their party, he moved it should be known as the "Convention of the Constitutional Democracy." The secession, he insisted, had been on the part of those who refused to

follow party principles. His motion was withdrawn, because it had become evident it would provoke unprofitable discussion. Yancey, from the Committee on Resolutions, reported the majority report, rejected by the original Convention. One of these original resolutions declared Congress should interpose, "when necessary," to protect person and property in the Territories. It was here repeated. Winston rose, excitedly, and denounced the words as covering "a delusion and a lie." Alabama demanded absolute guarantees that slaves should be protected by Congress in Kansas, where slaves already were. To announce that Congress must act "when necessary" was begging the question. He was ready to support an honest man on any platform, as the very best thing the South could do, but he would take no part in an attempted fraud upon public credulity. "I am willing (he said) to fall fighting for principle, but when you try to stab a man (Douglas) under the fifth rib, with no hope of vindicating or establishing your principle, I wash my hands of all such work." Mr. Winston had, at the midnight conference called by Taylor, demanded the Alabama delegates should withdraw from the original Convention, because of the rejection of this report, and now, that the withdrawing delegates proposed to adopt the rejected report, he put on his hat and walked away. It was not the purpose of the St. Andrew's Hall meeting to nominate candidates. It continued to meet, so long as the original Convention held its sessions, at Charleston. Both bodies adjourned simultaneously—the St. Andrew's Hall meeting having passed a resolution suggesting to "the Democratic party of the United States" to meet at Richmond, Virginia, at a date named, one week before the assembling of the Douglas men at Baltimore.

Arduous public labors, from this time forward to the end of his life, consumed Mr. Yancey's time. In the last week of the Convention, at Charleston, he addressed the citizens by special request at the theatre. Returning to his law office, he found his desk loaded with calls to speak in all parts of Alabama; many of which he accepted, promptly.

It had been provided by the Alabama Democratic Convention, of the preceding January, that in the event of the withdrawal of its delegation, an Executive Committee should call the party together, "to consider what is best to be done."

The Convention neither appointed an Executive Committee nor prescribed how it should be appointed. The President, Mr. Lyon, after due consultations, published the names, one Executive Committee-man from each Congress District. The Committee, so appointed, published a call for the re-assembling of the Convention.

The party in Alabama was now hopelessly rent in twain. The Whigs, too, were active in restoring their lost party organization. Fifty-five newspapers of the State supported the Yancey division, or the organized party; thirteen supported the bolters, or Douglas cause; sixteen urged the reorganization of the Whig party, on a platform condemning squatter sovereignty. The contest between the rival divisions of the Democracy opened with bitterness. Winston spoke at Montgomery, in censorious phrases of Yancey, as he passed, *en route*, from Charleston to his abode at Mobile. May 14, the Douglas men assembled at Mobile, in mass meeting, styling themselves "National Democrats." James E. Saunders, from the Valley of the Tennessee, presided. A large part of the audience were Whigs. Mr. Winston spoke. His senses had been quickened at Charleston; nobody there cared anything for the Democratic platform; the whole disturbance, in the Convention, was a "cut and dried" scheme to "precipitate the cotton States into revolution"; "Mr. Yancey walked the streets with the air of a man who saw the glittering object of his ambition at last within his grasp; twelve years before Yancey had bolted from a National Convention, solitary and alone: now, with the same issue, he had eight States already at his back." He thought the secession movement would not develop much strength among the people. For himself, he would not repudiate his party. Mr. Forsyth followed, and resolutions were adopted calling a State Convention of all "who saw in the Democratic party the only salvation of the country," to meet at Selma.

Five days later Yancey spoke at Marion, Perry County. He replied to the printed speeches of Messrs. Winston and Forsyth with fierce invective. He had known Mr. Winston twenty years — seventeen of which he had found him in office and the remaining three he had spent in vain labors preparing to enter the United States Senate. A restless and consuming

ambition was not the best preparation for an adviser of the people, in a great crisis. If ambition was crime, first among criminals in Alabama stood Mr. Winston. Mr. Forsyth had been on all sides of all questions, within the Democratic party. Disappointed, he had returned from a foreign mission, and unable to destroy men in the way of his own promotion, his self-conceit led him to attempt to overthrow the Democratic party.

The regular Democratic organization of the State met in special Convention in the Hall of the House of Representatives, June 4; and, on the same day, the Douglas men met in a public hall at Montgomery. Both bodies appointed delegates to Baltimore; the former *via* Richmond. Lewis E. Parsons, the most able and consistent of all the Whigs of the State, never before in sympathy with Democrats, was placed at the head of the Douglas delegation, nominally, but in fact Mr. Forsyth dictated its appointments, determined its course and wrote all of its important documents. He was the recognized head of the schism.

Full delegations from all the Gulf States, and Georgia and South Carolina, with partial delegations from Tennessee, Virginia, and an informal one from New York, met at Richmond, June 11. John Erwin, from Alabama, was chosen presiding officer. Several hours on each of two days were consumed in desultory discussion. On the second day the hall was crowded with ladies and gentlemen, who sent a messenger to Mr. Yancey with a request that he should address them. He bid a friend go upon the stage to make his apologies. He was resolved to allow no utterance of his to embarrass the restoration of the Convention at Baltimore. The meeting adjourned, subject to the call of the President. All of the States present, except South Carolina, proceeded by their delegations to Baltimore.\*

The remaining days of the week Mr. Yancey spent at Washington. He had received evidences, indirectly, at Charleston that the strong personal attachment and confidence Mr. Douglas had entertained toward him, in past years, yet survived. Now the Northern leader sent for the Southern leader to visit

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\* After the adjournment at Baltimore the Richmond Convention reassembled and ratified the nomination of Breckenridge and Lane.

him at his house at the national capital. A carriage came to Mr. Yancey's quarters, at ten o'clock in the evening, and, with a companion, he repaired to the parlors of Mr. Douglas, where several gentlemen, with the host, awaited him. General conversation occupied the time, devoted to the call, and the friends parted. While yet at Washington, Mr. Yancey received, through Mr. George N. Sanders, then in high standing in the Democratic party, the formal proffer from the Douglas influence of second place on the ticket to be nominated at Baltimore. The suggestion was made in the apartments of Representative James L. Pugh, where Mr. Yancey was a guest, and where a number of gentlemen were assembled. Mr. Sanders said four years before, Mr. Douglas as the defeated candidate for first place had claimed the right of naming the vice-Presidential candidate. Would Yancey, now the confessed leader of a minority, very powerful, accept the second place, with the assurance of the majority that he should be put forward for first place in 1864? Mr. Sanders even held out the precarious state of Mr. Douglas' health as promise that the vice-President, elected with him, would receive promotion ere the term expired. Mr. Yancey disregarded the suggestion.\*

The National Democratic Convention re-assembled, Monday, June 18, in Front Street theatre, Baltimore. The attendance from all parts of the Union comprised an enormous aggregate of excited and alarmed politicians. Two hundred reporters of the daily press of the country required tickets. The Western partisans of Douglas returned with augmented acerbity of feeling. No sooner had the body been called to order than Mr. Richardson, the Douglas leader of the West, moved that no delegate who had withdrawn at Charleston be re-admitted. Mr. Loring, from Massachusetts, replied. The Convention, he said, had no power to go beyond the credentials of delegates. The course that duly accredited gentlemen had pursued, before that moment, could not be a subject of legitimate inquiry on the part of the Convention. "Are you about to make a parallel between a case in New York and one

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\* Speech of O. Jennings Wise, at Richmond, September, 1860;  
 Letter of M. W. Fisher, who was present in Mr. Pugh's room, in Louisville *Courier*, of December 24, 1860;  
 Editorial of Charleston *Courier*, December 26, 1860;  
 Cradle of Confederacy, p. 425.



in the South! (exclaimed a Pennsylvanian). Are you going to insult, in that way, the Empire State!" "No," "No," shouted many voices. A letter was received from Daniel S. Dickinson: "If the Convention reject those delegates I hope my friends will go with the rejected — I shall go with them, if I go alone," wrote the New York candidate. The West was very resolute. Douglas wrote to Richardson a hasty letter authorizing the withdrawal of his name, but refusing to concede anything of his doctrine. "There is no difference (he said) between Northern and Southern intervention with slavery in the Territories." So he wrote for the public eye, but, secretly, he instructed Mr. Richardson to withdraw his name, if that of Alexander H. Stephens would unite the party, in lieu of his own. Mr. Douglas' followers, however, were too well informed of the state of Western feeling to consider such counsel.

Hardly had darkness set in, a violent rain storm prevailing, the illuminations of lightning and peals of thunder filling the air, when the thoroughly earnest populace, defying the tempest of the elements, began to assemble at Monument Square, with music and banners, to proceed in a body to the lodgings of the various leaders. Crowded out of the Convention hall in the morning, they resolved to hear from the mouths of the orators somewhat of the portentous signs of the times. Lincoln was already in the field; his unique and startling forces falling into line, led by a "rail splitter," to the very verge of revolution against the most free and happy institutions. The first halt was called at the residence of Reverdy Johnson, courteously opened as the headquarters of the Douglas managers. From the porch, Vallandigham and John A. Logan spoke to the throng. Next the procession halted at the Gilmor House, crying out for Yancey. Messrs. Fisher, from Virginia, and Walker, from Alabama, presented his excuses and harangued the callers.

Four days passed ere the Committee on Credentials brought in their report. Meantime, the regular delegation from Alabama, through Messrs. Yancey, Brooks and Meek, presented an Address to the Convention, inviting reconciliation.

"The Democracy of Alabama (it said) were influenced to send a delegation to this body by assurances that the platform of the party



had not been definitely settled. \* \* The Democracy of Alabama are anxious to preserve the integrity of the National Democratic party, if it can be done on principle. They are assured by delegates, who are yet members of the Convention that, actuated by the same anxiety, they desire to have a re-consideration of the platform. Relying upon these assurances and unwilling to perpetuate differences which arose at Charleston upon a rejection of principles which Alabama deemed vital to the existence both of the party and of the government, while there is the least hope of adjusting them, the Democracy of Alabama now submits to the National Democratic Convention the accompanying credentials and respectfully claims seats for its delegates."

The Douglas men, from Alabama, had already presented their appeal to the Convention. Mr. Forsyth wrote it for Mr. Parsons to read aloud. It was less a plea for the legality of their claims for recognition, than an arraignment of Yancey. In the pithy sentences of the most accomplished paragraphist of the South, Yancey's career was laid to judgment; the Slaughter letter reproduced, bodily, conversations of Yancey's adherents, in Charleston, repeated and the history of affairs in Alabama, for twelve preceding years rehearsed to the disparagement of his party fealty and his wisdom.

The Parsons-Forsyth party was admitted. Forty-four votes from the Eastern and Middle States and one vote and a half from the West were cast, nay. The Convention was profoundly moved, many delegates rising to protest, to be received only by the jeers of the majority. Seeing the fate of the Alabama Democracy and the Louisiana Democracy, on the fifth day, the majority of the delegates from Virginia, North Carolina and Tennessee withdrew. On the sixth day, President Cushing resigned. Todd, Governor of Ohio, was put in his place. The excitement in the city knew no bounds. The great building where sat the Convention could not contain one-half the throng who strove to enter. The majority of the Massachusetts delegates joined the Southerners — Cushing, Butler and Loring of the number. At night, a countless multitude gathered on the street about Yancey's hotel. He spoke briefly to them: "I am here (he said) to defend the Constitution and the Union. Truer friends than the Democracy of Alabama never enlisted under your banners. They have been steadfast in defense of your principles. It is sheer slander that we are here as factionists and disruptionists.

But, faithful to their allies, the Democrats of Alabama are true too to the Constitution, and will maintain it at all hazards. Fiercer men in defense of the right are unknown to your country's annals. Damascus never yielded truer blades or sweeter roses than Alabama."

One hundred and ninety-four and half votes, less than two-thirds of the electors of the Electoral College, were left in the original National Convention. Under the rule adopted at Charleston, and not repealed, a nomination could not be made for want of numbers. Several States protested against the attempt to nominate without a quorum. Todd, the Chairman, decided the rule adopted at Charleston was not a rule, but a resolution only, yet it had been enacted, after angry debate, after a special ruling of the chair that it was a rule, and as a stipulation of agreement between rival factions. Douglas received, on the first ballot,  $173\frac{1}{2}$  votes— $28\frac{1}{2}$  less than enough to nominate; on the second ballot, he received eight more. A resolution was adopted, as in the example of Cobb's election to the Speakership, in 1849, and Bank's election to the same office, in 1855, suspending the rules and declaring Douglas nominated. The hall was densely packed; the delegates and the galleries, already wrought to the highest tension of excitement by the uncertainties of the proceedings, gave vent to their feelings in the wildest demonstrations. Men fell upon each others necks in hysterical shouts and the floor and galleries mingled their occupants in unrestrained confusion. Benjamin Fitzpatrick, of Alabama, before now believed to be opposed to the course of Alabama, declined the nomination for vice-President, writing from his seat in the Senate. Herschel V. Johnson was put in his place. In Georgia, a few weeks before, Mr. Johnson had written resolutions condemning the doctrine of Douglas. Douglas' letter of acceptance was a bold avowal of his opinions, utterly irreconcilable with the Alabama Platform.

On Saturday afternoon, June 23, two hundred and forty delegates, all bearing original commissions to the National Convention, and all of whom had voluntarily retired before Douglas' nomination or had been refused admission, representing twenty States and 105 electoral votes, met at Institute Hall. Caleb Cushing was chosen to preside; on motion of Mr.

B. F. Butler the majority report, at Charleston, was unanimously adopted. The name of Breckenridge was put in nomination for the Presidency, by Mr. Loring, from Massachusetts, and seconded by Mr. Denny, from Pennsylvania; the names of Davis, Hunter, Dickinson and Lane were proposed and at once withdrawn. A ballot was taken, and Breckenridge received all the votes in the Convention. Hardly had the demonstrations of joy over the event subsided, when "the whole hall resounded with cries of 'Yancey for vice-President'!" Yancey was immediately on his feet to check the motion, when a delegate from North Carolina called out, "Joseph Lane for vice-President!" The nomination was given to General Lane, then a Senator from Oregon, by acclamation.

"After the nomination for vice-President (said the report of the *Baltimore American*, of the following morning,) the whole hall reverberated with cries 'Yancey'! 'Yancey'!"

Mr. Yancey came upon the stage, and, after silence had been obtained, spoke:

*"Mr. President and Gentlemen of the Convention:*

"The storm clouds of faction have drifted away and the sunlight of principle under the Constitution and the Union, under the Constitution, shines brightly upon the National Democracy. For a brief period, while the deep toned thunders rolled along the horizon and the fierce lightning flashed in our faces, some of the timid, perchance, thought the Democracy and the Union alike must go down under the baneful influences of that hour. But he who could have elevated himself above the storm cloud must have seen the sun in its bright and brilliant and eternal sphere, shining resplendently in its revivifying influences, even over that stormy scene; and now that the clouds have lifted and drifted away into the far West, it is apparent to the timid, as well as to every true member of the party, that the Democracy, the Constitution and, through both, the Union are yet safe! "(Great applause.)"

"I congratulate you, Mr. President, the representative of the National State Rights Democracy, and you, venerable gentlemen, who sit here as representatives of your several sovereign States—you who are the stern and true friends of the old-fashioned National Democracy—that there is yet in existence an organization pledged to uphold the Union. Accept

these congratulations at the hands of one who, through the assiduous wiles of our common enemy, has acquired the reputation of a factionist, disruptionist, disunionist. Accept that congratulation from the hands of one who, some nine or ten years ago, desired to obtain disunion because he believed then, as he now believes, there was then existing cause why the Union should be dissolved; because the Constitution had been violated in the admission of California, upon the doctrine of squatter sovereignty, and because, in the destruction of the slave trade between the States and the District of Columbia, he saw the initial act of the general policy of abolition.

"I went before the people of the State of Alabama and asked them to secede from a Union which had forgotten its pledges. Alabama, in her wisdom, saw fit to decline, and voted down the seceding party. From that day to this, I have urged no measure of dissolution, but I have bowed in submission to the will of my State to whom I owe allegiance. From that day to this, under all these wrongs, I have not urged them as sufficient cause why the Union shall be dissolved. \* \* When it is said for the purpose of injuring the cause with which I am connected, that I am urging my friends to disunion or to the disruption of the Democratic party, that has been stated which is absolutely false as an inference and false in itself. \* \* When the government confessedly becomes a failure, so far as the great rights of the equality of the States and of the people of the States are concerned, then its organization becomes but an instrument for the destruction of Constitutional liberty and, taking lessons from our ancestors, we should overthrow it. \* \* The Grecian patriot, who, when his great city was about to be occupied by a hostile army, proposed in council that the walls of Lacedemonia should be razed, spoke a stern, wise policy. A young hero said: 'What! strike the walls of Lacedemonia to the ground! These walls that so long have been our defense; these walls to be demolished?' 'Yes,' replied Thermenes, 'in the same spirit in which they were built. For the defense of the people let them be demolished.' \* \* The delegates of eight States have been driven out of their party by the rejection of Democratic principles. They went out for no factious purpose. They went to their people and their

people said they had done well and indorsed their principles and in a spirit of harmony and patriotism instructed them to return. They so acted because they did not desire the differences prevailing at Charleston to be perpetuated and all avenues forever closed to reconciliation, but that one more effort might be made to bring about a sober second thought, and thus they prepared the way to a reconciliation, to be effected on principle with the view that the country, the Union, the Constitution might be preserved. We came here in good faith for that purpose. We came here in a spirit of prudent and conciliatory moderation. \* \* Against every usage and principle of the Democratic party, the bogus delegates from Louisiana and Alabama were admitted and the regular representatives of the Democracy of these States rejected. \* \* Douglas was the first man to meet this question (slavery) as settled by the people of Kansas, in their own way, at the threshold of Congress and make war upon it. He declared that the will of the people, as manifested in their Convention, and their manner of settling that question, was wrong and that the Constitution which they had made should be submitted to the people as a whole, thus prescribing to Kansas the will of Congress against her own will! \* \*

“And who is the leader of the State of Alabama in this Douglas movement? Lewis E. Parsons! And who is he, that he is foisted upon a National Democratic Convention as the representative of the Democracy of Alabama? I beg leave to daguerreotype him, politically. For twenty and odd years have I known the leader of this Douglas Democracy of Alabama, and known him as one of the most intelligent, one of the most eloquent, active and influential enemies of Democracy in whatever garb or under whatever name they presented themselves. I found him a supporter of Harrison, of Clay and of Scott. I found him a supporter of Taylor and of Fillmore. So far as I am advised, there has never been a candidate for a situation, not even for Constable, with a Democratic appellation, that this man has not voted against down to this day. Never by a vote, never by a public affirmation has he to this day given assent to one solitary Democratic principle. Aye, not even to-day, when he voted for the nomination of that arch enemy of true Democracy, Stephen A. Douglas. \* \*

“It was very noticeable that the Douglas eulogists were oppressed with images of historic death in their portraiture of the political future of their chief. The eloquent declaimer from Missouri paused over the story of the Lord James Douglas, in the flight of his fancy and, unwittingly, continued the simile to his death amidst the ranks of his foes. Lord James, as we all remember, was a follower and won his spurs under the lead of the gallant Bruce. That chieftain dying, committed his heart to the Lord James to be buried near the holy sepulchre. The young knight set out to execute the trust, but on the way, forgetful of his object, led by a consuming ambition, he invaded the territory of an unoffending people, and, meeting a spirited resistance, cast the casket containing the pulseless heart of his Chief far before him, gallantly fought his way to it and fell, covering it with his own dead body! The story is a sad reminder of an honorable ambition misdirected—an historic monument to warn all others from an invasion of the territorial rights of a brave people. It has a singularly strange application to the story of the modern Douglas—as strange as it was singular that a Douglas man should have revived it in yonder theatre.”

“(Applause.)”

Mr. Yancey then stated that General Cass, the author of the doctrine of squatter sovereignty, had surrendered his own opinion to the Dred Scott decree. “The modern Douglas, the warm supporter of this doctrine (he continued) has, even, like the Douglas of Scotland, become custodian of this dead matter. Like his ambitious prototype he has invaded the territory of a brave but peaceful people, and like him, too, when this contest is over, it will be found that his dead body covers his casket of corrupted matter. “(Applause.)”

\* \* \* “But from the dead and dying (laughter) I turn to the living. Though no prophet, yet am I like the Scotch seer who told his chieftain:

“Dark and despairing, my sight I may seal,  
But man cannot cover what God would reveal.”

“I pass, I say, from this painful scene of the dead and dying to contemplate a healthful and cheering picture of the living—(applause)—we who are here stand on the eternal principles of Justice and the Constitution. If in this land of

freedom and public opinion — if in this land of highest equality of citizenship we see a manifest desire in some to earn spoils at the expense of their neighbors and through their neighbors, then I say that in this land there is yet a place for and a duty to be performed by the lovers of Truth, Justice and the Constitution (applause) and whosoever bears that banner in the field, although borne down, will find a consecrated grave. “(Applause).”

\* \* \* “But we will not go down. We have a standard bearer whose manly eloquence, and pure principles and skill in statesmanship entitle him to victory. Who is he? He is the grand-son of that John Breckenridge who, in 1798, offered in the Legislature of Kentucky what are known as the Resolutions of Kentucky and Virginia. At that early day was raised the great standard of Democracy. Democracy is nothing more nor less than a proper construction of the Constitutional charter that has been given to us for the guidance of government. And that is the construction that has come from that day to this. The very essence of it is in the equality of the States of the Union and of the people in the States, a principle by which you may test the truth or falsity of every measure that government ever originated or that can be urged. (Applause). \* \* The talismanic words, Breckenridge and Lane, will be inscribed upon our banners and we will bear them onward to victory, if God wills it; not as emblems of party or personal success, but as words indicative of our regard for and our determination to uphold, at all hazards, what are far dearer to us and of far more value to our whole country — Truth, Justice and the Constitution.” “(Loud and prolonged applause).”

This was a typical campaign stump speech in the cause of Breckenridge and Lane, as it was also the first. We shall see that the preservation of the Union was demanded by four parties enlisted in the campaign, two from clearly defined positions, for specifically assigned purposes; and two for the sake of the Union and what it might contain as a political result, unknown and unknowable. The Breckenridge Democracy proposed to preserve a Union founded on compromises between sovereign States, in the letter and spirit of their compact. This was one of the two positive parties. The



other was the Republican party, that proposed to preserve a Union under the "higher law." The other two parties proposed, in effect, to preserve the Union, by votes of citizens unwilling to put the empire to hazard.

In the recess of the Charleston Convention, preceding the re-assembling at Baltimore, the Whig party met in Convention at Baltimore, May 9. The party now styled itself the Constitutional Union party. It adopted a short declaration of principles, announcing "that it is both the part of patriotism and of duty to recognize no political principles other than the CONSTITUTION OF THE COUNTRY, THE UNION OF THE STATES AND THE ENFORCEMENT OF THE LAWS." John Bell, of Tennessee, and Edward Everett, of Massachusetts, were nominated, respectively, for President and vice-President on the platform adopted. The object of the movement was to throw the election into the House of Representatives, where it would be decided by a majority of States.

One week later, May 16, the Republican party re-organized at Chicago for the campaign. David Wilmot, the historic Democrat, was chosen temporary chairman of the Convention. The prominent candidates for the nomination for President of the Union—prominent before the people in the order here named—were Seward, Lincoln, Chase, of Ohio, Cameron, of Pennsylvania, and Bates, of Missouri. The original Abolition party were yet defiant, and important, in the free States. Since the wonderful strength developed by Fremont in the campaign, of 1856, many individuals who sympathized with the emancipation movement preferred the Republican party to accomplish the result. At Chicago, Gerrit Smith, in the name of his party, demanded as a condition of fusion of original Abolitionists with the new party, the incorporation of a provision nullifying the Dred Scott decree. In compliance with his demand, the followings action was adopted by that body :

"That the normal condition of all the territory of the United States is that of freedom; that as our Republican fathers when they had abolished slavery in all our national territory ordained that, 'no person shall be deprived of life, liberty or property without due process of law,' it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial Legislature or of any individuals to give legal existence to slavery in any Territory of the United States."



Another provision of the platform announced the devotion of the party to the Union as the best means of enforcing the "vital principles of free government," and requiring an "indignant people sternly to rebuke and forever silence contemplated treason"—meaning secession.

Mr. Seward had formulated the doctrine of the "higher law," on which the party was founded, and had lead the Northern Whigs in a body to its support. He had conciliated the Garrison school and amalgamated it with the new party. He had given coherence to the theory of protective tariff, adapted to the prejudices of the Eastern manufacturer, and the free soil theory, adapted to the prejudices of the European settlers of the common domain. He was a politician of experience and a leader of audacity. He was learned and resourceful; thoroughly in earnest and capable. It had been expected he would receive the nomination at Chicago. But the Western Democrats, who had forced the dissolution of the Democratic party, were typical of the tone and temper of Western politics. The Western Republicans cast aside Seward to take up Lincoln. Abraham Lincoln, of Illinois, for President, and Hannibal Hamlin, of Maine, for vice-President, was the Republican ticket sent out from Chicago.

Immediately after the adjournment of the two Democratic party Conventions at Baltimore, Senator Jefferson Davis, at the instance of Mr. Bell and Mr. Breckenridge, waited on Mr. Douglas to suggest in their name the retirement of all candidates opposed to the Republican party and the relegation to the people of the right to effect a fusion of parties to defeat Mr. Lincoln. Mr. Douglas declined, on the ground that the mass of his constituency, in the free States, would, in that event join the Republican party. \*

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\* Rise and Fall of the Confederate Government, Vol. I, p. 52.

## CHAPTER 23.

# The People Decide.

1860.

The first grand cyclic of the sectional conflict was closed with the result of the Presidential campaign following the organization of parties just described. Everywhere, in the free States, that Republican party orators spoke, their theme was, the rights of an universal humanity; license, rather than measured and noble discipline; tolerance for the darkneses, in which the theory of the "higher law" groped.\*

The military spirit spontaneously broke forth at all points. The Wide Awakes paraded in numbers and enthusiasm decisive of unquenchable ardor. Even more conclusive of war was the Zouaves, uniformed in the most captivating insignia, trained for public display in the most intricate and inspiring tactics, passing from field to field in widely separated States, the most popular nucleus of martial spirit any times ever supplied. In all Southern States, militia laws were revised and enlarged and from every stump a people, universally trained in the more essential arts of war, were instructed of the approaches of the conflict. The new party was a composite—made up of organizations and sub-organizations, white people and black, both sexes and all degrees and conditions, orthodox and infidel. The new party embodied an ardor which no argument could temper and fixed its foundations

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\*"Anything more low, obscene, purulent than our politics the manifold bearings of history have not cast up," wrote Rufus Choate, of the elements preparing to organize this party.

upon an idea which no vexed question of political equity could moderate. Would Breckenridge's election, failing to suppress them, add fuel to the flames the new party had kindled? \*

The acrimony of the campaign was intensified by the re-appearance of Mr. Sumner in his seat in the Senate after four years absence, following the attack of Brooks — "a protracted seclusion enjoined by medical skill," he announced to the body. He at once proceeded to deliver an oration of polished invective four hours in length, on the "Barbarism of Slavery," a campaign speech. Senators and Representatives from the South were:

"As Polish aristocracy ascending in audacity, entering the halls of Congress as they have raged at home. \* \* A barbarous standard is established; a duel is not dishonorable; a contest peculiar to slave-masters, known as 'street fight,' is not shameful; and modern imitators of Cain have a mark set upon them, not for reproach and condemnation but for compliment and approval."

When the Massachusetts Senator resumed his seat Senator Chesnut, from South Carolina, by previous understanding with the Southern Senators, took the floor. The vice-President, Mr. Breckenridge, had already called Mr. Bigler, from Pennsylvania, to preside. Mr. Chesnut said:

"Mr. President, after the extraordinary, though characteristic speech just uttered in the Senate, it is proper that I assign the reason for the position we are now inclined to assume. After ranging over Europe, crawling through the back doors to whine at the feet of British aristocracy, craving pity and reaping a rich harvest of contempt, the slanderer of States and men re-appears in the Senate. We had hoped to be relieved from the outpourings of such vulgar malice. We had hoped that one who had felt, though ignominiously he failed to meet the consequences of a former insolence, would have become wiser if not better by experience. In this I am disappointed, and I regret it. \* \* Sir, we do not intend to contribute by any conduct on our part, to

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\*A press telegram, of September 25, 1860, announced, from Tiffin, Ohio: "A Company of Douglas cavalry, 1200 strong, all handsomely mounted, were present at the speaking to-day."

The following is an extract from a Republican campaign song, taken from the *Cincinnati Commercial*, of October 22, 1860:

"Wide-Awakes, Wide-Awakes come out to-night  
With our banners unfurled and our torches alight,  
Our cause is a just one, our hearts are all true  
And three cheers we will give the red, white and blue.

\* \* \*

"Wide-Awakes, Wide-Awakes come out to-night  
The monster, disunion, already to fight  
And show to the country our hearts are all true  
With three cheers we give to the red, white and blue."

increase the devotees at the shrine of this new idol. We know what is expected and what is desired. \* \* These are the reasons which I feel it due to myself and others to give to the Senate and to the country, why we have quietly listened to what has been said and why we can take no other notice of the matter."

Mr. Sumner's speech was published in pamphlet form, Mr. Chesnut's reply comprising an appendix, and was eagerly sought by committees and orators of the Republican party. The occurrence and the sectional utterances attending it, are important to the explanation of the times. Mr. Sumner's assumption that, there was a peculiar disregard of human life, growing out of the influences of Southern society, will, of course, stand or fall upon evidence. The census supplies the following facts bearing upon social customs in Massachusetts and Alabama, for example, in the year 1860, and these two States are chosen here, because of the approximate equality of their numbers of population, to stand in contrast :

	<i>Alabama.</i>	<i>Massachusetts.</i>
Died by neglect and exposure .....	1	17
Died by suicide .....	21	110
Died by murder .....	18	5
Died by homicide .....	7	14
Insane returned .....	217	2,015
Idiots returned .....	437	712

So active and skilled were the leaders of Bell's and of Douglas' cause, in Alabama, that Mr. Yancey resolved to leave nothing undone which would retain the devotion of his own State to the cause of Breckenridge. He entered upon a general canvass of the central and upper counties, speaking at Cahaba, Selma, Marion, Livingston, Union Town, Eutaw, Centreville and other places. Passing to the Valley of the Tennessee, he was received with extraordinary demonstrations of popular joy. Great audiences of gentlemen and ladies met him at Huntsville, Decatur, Courtland, Tuscumbia, Florence. It was determined that he should speak at Memphis, Tennessee.

There are strategic points to be occupied by political as well as military campaigns. The commercial position of Memphis, at a period when the Mississippi was the main artery of communication between the Northwest and the Southwest, brought no small political influence, of a peculiar kind, into

the very heart of the slave States. True, also, that the territory which supplied the bulk of the commerce of the town, up and down the river and on either bank, was occupied by tens of thousands of slaves and a few white men, their overseers. The insalubrious climate of the plantations compelled the owners, with families, to fix their homes elsewhere, and many were not even citizens of the States containing their plantations. It was desired that Mr. Yancey should deliver, at Memphis, a speech which would interpret the national character of the Breckenridge campaign.

The day was appointed—August 14. The Memphis Breckenridge and Lane Young Men's Club took charge of the arrangements. Far and wide the announcement went out that Yancey and Henry A. Wise would speak from the same stand the same evening. At the last moment, Wise declined, writing: "I am a lover of the Union. Upon the efforts of honest, bold and gifted leaders like Yancey must its defense and perpetuity rest." Most active, too, were the personal and political foes of Yancey in preparing for the event. Newspapers at Memphis, at Nashville, at Washington City, at Atlanta and the *Confederation*, under Seibles, at Montgomery, labored ardently, in concert, to excite public prejudice for the occasion. The Slaughter letter, now styled the "scarlet" letter, was re-printed and re-interpreted by hostile minds; Yancey, at Memphis, would install a Chapter of the League of United Southerners, yet the League had lived, even at Montgomery, only three months and had been dead two years; Yancey would urge the African slave trade and immediate secession, yet he had never urged the trade and was laboring for the Union.

Steamers from above and below, railroad trains, wagons, coaches and troops of saddle horses delivered upon the streets of the town, on Tuesday and Wednesday, a concourse of citizens more excited and more numerous than ever before had been collocated there. Mr. Yancey arrived on the morning of the 14th and was received by his friends with distinguished honors while his enemies frowned and, in coteries upon the streets, spoke threateningly. He was forewarned of the prevailing temper of the crowd and was even advised by discreet persons not to meet his appointment for the evening. Bell

men, Douglas men and Breckenridge men comprised the expected audience and to his own, the minority, party must the orator look for countenance.

At eight o'clock he took the place assigned him in a great and boisterous procession. In a few minutes he ascended the stand erected for him on a vacant lot brilliantly illuminated. Hundreds of anxious faces of ladies peered from the windows overlooking the four sides of the square. Jeers and cries of derision greeted him as he rose. In perfect self-poise the orator winged his opening sentence to the outskirts of the surging mass. The mob vied with his tones for the mastery. And in this contention, sentence followed sentence. Yancey never quailed before nor quarreled with an audience. The hooting began to subside. "The country, my friends (he said, at length) has for many years been alarmed for its fate under this government. This grave, dignified and mighty issue has driven statesmen and parties before it; and no party, save the Democratic party, has been able to stand before it. ('Bravo,' cried a voice.) Whether that party shall exist longer and be a barrier against sectional, unconstitutional aggression, shall be my theme to-night. The unity of that party is interwoven with the very safety of your institutions and your rights. ('H-o-orah for D-o-o-glis,' cried a voice from the rear. 'Give me two hours longer, my friend,' was the answer from the orator.) It is due to frankness and to the truth of history to state that Mr. Douglas has had designs upon the integrity of the Democratic party ever since the Northern people failed, under the Nebraska-Kansas act, to obtain the dominancy of the Territory of Kansas; and when it became apparent that the Southern men had obtained advantages under the act ('You're right,' cried a voice) and that Kansas under those advantages, if fairly dealt with, would be admitted into the Union as a slave State, that he determined to war against the principle of that act and to keep Kansas out of the Union as a slave State; and, if necessary, to dismember the Democratic party and to rely for support in the controversy upon the anti-slavery sentiment of the Northern people. This I shall undertake to prove. \* \* It is common to say Alabama attempted to dictate. It is no dictation for me to claim all my Constitutional rights and to forbid others from trampling

on them. He who undertakes to deny my Constitutional rights does dictate to me." The speech was a narration of important facts, new to the discussions of the campaign, giving highly interesting views of the acts and opinions of the candidates and explaining the origin and philosophy of the rupture at Charleston. It closed with impressive imagery, defensive of himself: "The whole time refusing office, I have given my mind, heart, character and fortune to raise the Southern mind to the full view of Southern rights, that we may be *men* in the hour that tries men's souls. How hard that for *this* a man should be denounced as a demagogue, an office seeker and a traitor. \* \* There is a lesson in Holy Writ that, when the temple which had been devoted to the worship of the ever living God, to be kept free from stain pure and clean, built without sound of hammer or chisel, was taken possession of by a people forgetful of the truth pronounced at Sinai — when hucksters, thieves, brokers and traders had carried on their wicked and selfish callings, a Savior came and with a whip of scorpions drove them out."

At midnight the orator turned from the stand where, for four hours, he had spoken with no interruption after the first few minutes, save the ejaculations of enthused individuals or the sounds of vehement applause from the whole audience. "Go on!" "Go on!" "It's not daylight yet!" greeted him at the close. The once angry mob were now restrained from unhitching the horses from his carriage and drawing it themselves, only by his firm refusal to permit the intended honor.

Mr. Yancey was now the most interesting character in the turbulent politics of America. His speech was reported and published in every part of the country, from Maine to California. Especially did it give heart and coherence to the friends of the South at the North, and they were many. The witty George D. Prentice, his resolute foe, read it and wrote: "This is the party of WILLIAM L. YANCEY and his friend Breckenridge."

On his way home Mr. Yancey spoke at Atlanta. Here too he adapted his address to the environments. The Bell organ said:

"The celebrated Apostle of Disunion addressed a very large audience here Saturday night. Mr. Yancey spoke two and a half hours in



adroit argument, continuity of presentation, perfect mastery of his subject, and masterly delivery, up to the expectations of all; but in double-distilled bitterness of wormwood and gall, he surpassed the expectations of his friends. \* \* The assault upon the squatter sovereignty candidates was the most terrible, well directed and well sustained of any we have heard or read. A friend has just informed us Mr. Yancey spoke three and a half hours instead of two and a half, as we had imagined, an hour and a half of the time being devoted to a defense and glorification of himself! The speech was one to be remembered and one to be remembered."

In Alabama, while Parsons and Prince, Whigs, joined Forsyth and Seibles, Democrats, in support of Douglas, Thomas J. Judge, Rice, Chilton, Gilchrist, Whigs of the first rank, came to the support of Breckenridge by formal resolution. Watts and Clanton raised the Whig standard and took the field for Bell. Thus, while three parties appeared in the contest, the issue, as presented to the people of Alabama, by each, was a policy of defense against the revolutionary purposes of the Republican party.

Visitors at the national capital declared the Congress sat as two bodies, each devising schemes of war against the country of the other. The President and the Supreme Court appeared as the common heads of two rival governments. Thus it happened that long ere the campaign closed, the people of Alabama, hopeless of peace, were practically, if not confessedly, united for defense. In September, Forsyth wrote to Samford, that Lincoln's election would align him by Yancey's side, "halter or no halter." In September Watts, leading the other wing of the opposition, spoke boldly for resistance to Lincoln's election.

All the candidates for the Presidency were men sound in body and mind. Bell was the oldest, while Breckenridge was under forty. Douglas and Lincoln, the one by personal traits of generosity and audacity, the other by kindness of word and deed, and facility of adaptation, had reached great influence in the brave and ambitious population of the same new and wonderfully prosperous State. Breckenridge excelled all in eloquence, and in a handsome person and polish of manners.

When Mr. Yancey reached his office, from Memphis and Atlanta, he found invitations from Ohio and New York State Committees, of the Breckenridge and Lane ticket, to canvass



those States. He declined. His practice in the fall term of the Courts demanded his presence. But his refusal was not accepted. He was reminded that harm had been done to the South in misrepresentations of him. It had been charged against him that, he contended for revolution, in the event of Lincoln's election, whereas he had declared that the lawful election of Mr. Lincoln would not, of itself, be cause for revolution. The States willing to accept him would have no excuse for revolt, while the States not willing had the right to change their federal relations in an orderly way with or without explanation to the others.

Yielding to the call of the Breckenridge and Lane Committee of the State of New York--where it had been determined, under certain contingencies, to fuse the Bell-Breckenridge tickets upon the Douglas contingent, hoping thus to carry that State against Lincoln—Mr. Yancey set out upon the most remarkable oratorical tour known to American history. He delivered in the border States, in the Middle and Eastern States and the Southwestern States, in seven consecutive weeks of journeyings, more than twenty elaborate addresses. Each speech was printed in the morning papers the day after delivery, yet each was fresh, original and specially adapted to the locality. In the largest cities of America the largest halls were opened to him, and none afforded space equal to the accommodation of those who came to hear.\*

In the free States, as he reckoned, two-thirds of each audience were his political opponents; in the slave States, the whole population of the vicinity composed the audience. The first speech of the tour was delivered, September 17, at Kingston, Georgia, where he paused a few hours. His progress henceforward was as a triumphal procession. He resumed his journey under the escort of a committee sent by the citizens of Knoxville, Tennessee. Along the highways for many miles, in all directions, leading to that point placards, announcing that he would speak there, were posted. The town was the centre of the influence of the notorious "Parson" Brownlow, whose teachings from pulpit, stump and tripod had created a sentiment in the adjacent mountain counties, the most radical

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\* It is believed Mr. Yancey delivered fifty speeches, each to a separate audience, on political issues of the day, in the first ten months of 1860.

south of the Ohio. The people of all parties were quite sure Brownlow was prepared to harass Yancey and equally convinced that Yancey would not shrink from bearding the local lion in his den. Several thousand people, of both sexes, formed a procession lead by a band of music to escort the orator to a grove, prepared for the occasion. In the afternoon the speech was delivered. After three hours of delivery, the peroration well advanced, a voice called out "Hurrah for Bell." "Hurrah for Greeley, too," interjected the orator. The end approached, when another voice called out, "What will you do if Lincoln is elected?"

*Yancey:* "Come upon the stand." Mr. Manley went on the stand.

*Yancey:* "I spent twelve years of my life in New England and there learned how to answer a question by asking another."

*Manley:* "Ask it."

*Yancey:* "Who are you in favor of for President?"

*Manley:* "John Bell."

*Yancey:* "Will you endorse what John Bell has said on breaking up the Union?"

*Manley:* "I propounded the question at the request of others."

*Yancey:* "Give me their names."

A list of five names, Brownlow's included, was placed in the orator's hand and he called each to come upon the stand. The audience saw the good humor which he maintained and were lead to anticipate an amusing *denouement*. The first question, put to Mr. Manley, was now put to the whole class before him, and all answered "John Bell." The other question, relating to Mr. Bell's Union record, followed. Mr. Brownlow, when his time came to answer, said he would vote for Bell with his record, adding: "I propose, when the Secessionists go to Washington to dethrone Lincoln, to seize a bayonet and form an army to resist such an attack and they shall walk over my dead body on the way." Yancey remained calm until all had answered. Turning then to the audience he resumed his speech, saying at the close: "If my State resists I shall go with her and if I meet this gentleman (pointing to Brownlow) marshaled with his bayonet to oppose us, I

will plunge mine to the hilt through and through his heart, feel no compunctions for the act, but thank God my country has been freed from such a foe." Apologizing to the audience for an episode that had been forced on him and uttering eloquent remarks, complimentary of the ladies, he retired. Mr. Brownlow rose, saying he would renew the subject in his paper. "If you have anything to say speak it here, like a man," retorted Yancey.

The next speech of the tour was delivered at Richmond, Virginia. The following morning, as the orator was about to take his departure for Staunton to meet a similar appointment, he received an invitation sent in the name of the hundreds who could not gain admittance the evening before, to speak again that night. He declined. Arriving at Washington, the news soon spread and a large concourse of people, with music, gathered, after dark, in front of his hotel, cheering and demanding his appearance. Walking out upon the balcony facing the throng, he said :

*"Fellow - Citizens :* I am no party man and I do not address you as a party man to-night. I come before you this evening as the friend of the Constitution [good], and the Union under the Constitution [good and better] and as the enemy of any other Union, coming from what source it may. [Vociferous cheering and cries of 'that's right.']\* During my brief political career, my countrymen — [Here the speaker was interrupted by an intoxicated person, and cries went up, 'put him out.'] Oh, no; let him alone. No harm can be done to me by any man of any party who listens to me. [That's so.] I hope men are here representing all parties, with the exception of that party which is the enemy of the Constitution — the Black Republican party. [Loud and enthusiastic cheering.]

"It has been said the South asks you to trespass upon the Constitutional rights of the other States; it is said the South seeks to aggrandize itself at the expense of the other sections; that we want this government to carry slavery and force it upon people who do not desire it. With all proper respect for those who say this I, as a Southern man, say it is false in

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\* Individuals now living who were wont to hear Mr. Yancey speak will not need to be reminded of the martial bearing, the suppressed emotion and the clear and melodious tones which so enthused an audience, when their cries became as spontaneous as the full risen orb of day coming out from the night.

every iota of utterance. [Good.] The South has aggressed upon no section. She asks none to yield anything that is theirs for her safety or her protection. All that we of the South have ever asked of the government is to *keep its hands off of us and let the Constitution work its own way!* [Applause.] \* \* It is easy for the North, with its majority in the millions, to say they are for this Union any how. No matter who may be elected, no matter what may be done, still they will stand to the Union as the great source of their prosperity. Why? Because with no Constitution at all the people of the North can protect themselves by a predominant vote. How is it with the minority — the minority States? How with the South? Leave us to the preponderant vote in Congress, the North will seek the advancement of its power, will seek selfish aggrandizement, will raise as much money as it pleases and disburse it to its own benefit, at the expense of our minority. Minorities, gentlemen, are the true friends of our Constitution, because that Constitution is their shield and their protection against the unchecked and unlicensed power of the majority. \* \* The humble individual who addresses you to-night has probably been more denounced as a disunionist than almost any other man in the Union. I tell you, gentlemen, my disunionism consists in this: I stand by the Constitution. \* \* My friends, there is but one issue before you, to all sensible men but one issue, and two sides to it. The slavery question is but one symbol of that issue; the commercial question is but one symbol of that issue; the Union question is but one symbol of that issue. The only issue of this campaign is the integrity and safety of the Constitution. [Great applause and cries, 'good.'] He is a good Union man who stands by the Constitution with its checks and balances; he is a disunionist who destroys one single letter of that sacred instrument! \* \* Now then, fellow-citizens, I beg you to excuse me from saying anything further and for the desultory character of the remarks I have at this time submitted. I close them by telling you the South loves the Union, respects the Union, has all respect for the Constitution and will protect and preserve that instrument intact, with all its checks and balances; and the South is now sternly resolved that every other section shall so preserve it. The

South means to defend that Constitution against all attacks from Wide-Awakes, the sleepy Abolitionist or anybody else.” “[Great applause and laughter.]”

Arrangements were made at Baltimore to celebrate Mr. Yancey's appearance before a Maryland audience. Having remained at Washington, studying the prospects of parties and diligently searching the records of the government from Friday until Tuesday, he was received on the last named day with public demonstrations of respect at Annapolis. At that point a large passenger steamer, filled with citizens of Baltimore, at the head of whom was ex-Governor Lowe, was in readiness to convey him to Easton to speak. As the procession escorting the orator approached, the cannon on board the steamer belched forth, Vollandt's famous band performed inspiring airs, mingled with ceaseless cheering of the multitude. At Easton, a community noted for refinement and culture, an hundred private carriages were in line at the wharf. Amidst the noise of cannon, music and shouts of three thousand people the orator was escorted to the stand in the open air and spoke for two hours. Invitations to speak poured in upon him from an hundred points. From Easton he went to Frederick and thence to Wilmington, Delaware, to speak. October 9 he passed through Philadelphia, *en route* for New York, as the State election, which was generally accepted as the test of the strength of the Republican party in the other free States, was in progress.

The next day, October 10, the news was confirmed in New York that Foster, Democrat, had been defeated for Governor in Pennsylvania by Curtin, once American, now Republican. The significance of the result was in the effect of Mr. Douglas' personal canvass of the President's, Mr. Buchanan's, State, in the interest of Curtin. Democrats of New York City had sent large contributions in cash to assist Foster's canvass, but the personal appeals of Douglas to the Democrats to defeat Foster, whom Buchanan favored, overcame the argument of the Breckenridge orators. At length, anticipating Douglas' success in Pennsylvania, the Breckenridge and the Bell men of New York had conferred with him, hoping to effect a fusion of three parties to defeat Lincoln in New York. Douglas declined, peremptorily, to consider the proposition of

fusion. Seeing that the outcome of the contest in Pennsylvania was only a repetition of the result in all other free States, where the fall elections had been held, the New York *Herald* exclaimed:

"So here we are on the very verge of a new order of things, simply involving the subjugation of the Southern States to the anti-slavery sentiment of the North, or the revolutionary alternative of an independent Southern Confederacy."

The arbitrary course of Douglas, in New York, and the splendid success of Lincoln, in Pennsylvania, were in the minds of all the people of the city when Mr. Yancey rose at Cooper Institute Hall to deliver the first speech the people had heard, since the assured consummation of those, the determinate results of the decisive campaign. The evidences were unmistakable that a large majority of the overflowing audience were Lincoln and Douglas men. Indications were not less plain that the temper of the majority of the audience was very unfavorable to the ordinary course of a public address from that stage. A little after eight o'clock, Mr. Yancey not yet arrived, a gentleman, seeking to try the crowd, came forward on the stage, proposing "three cheers for the son of the sunny South, nationality and Democracy blended into one — our friend William L. Yancey!" The audacity of the motion captured every heart and while the vociferous response yet rang out Mr. Gustavus W. Smith, Breckenridge Democrat, stepped to the front, naming Hon. James Green, of New York, for presiding officer. The President and vice-Presidents ranged themselves in order. A letter was read, from James T. Brady, of regret that a previous engagement to speak at Troy the same evening would prevent his hearing "Mr. Yancey, whose eloquence has won him a reputation as extensive as our territory." Amidst cheers of welcome, shouts of derision, cries of "order," "order," and hisses the orator came forward. He said:

"*Fellow - Citizens of New York:* I trust an Alabamian may yet speak to the citizens of New York in a spirit of fellowship. I trust that hour has not arrived when an Alabamian, speaking to his brethren of the city and State of New York as brothers, he will be received with jeers and hisses. We ought

to be brothers if we are not, there ought to be a brotherhood of citizenship throughout this vast country that would knit together its social and business relations in bonds so strong that the fanatics of the whole world cannot burst them asunder!" These frank and bold sentences were uttered so rapidly and feelingly that a profound silence was captured and wrested from the startled throng and no sooner had the last word of this appeal fallen from the speaker's lips than the house broke forth in rapturous applause. The power of the magician had been suddenly, and most unexpectedly revealed to all who heard, and his victory was complete. The trouble was over; the orator's mein, voice, action was instantly adapted to the change before him. "I am not unaware, gentlemen, (he continued) of the delicate position which a speaker from the far South occupies who, in this hour of an excited political canvass, undertakes to speak here, in one of the Northern States, words of truth and justice for his section. But, I believe, my countrymen, that truth, at all times, will win its way to hearts that are swayed by the love of truth, generosity and justice. I do not disguise from you — I would not have it otherwise — that I speak to you here to-night as a Southern man. I speak to you here to-night for the home I love better than any other home, for the State I love better than any other State, for the section I love better than any other section — my own home and State and section. And certainly it will not be amiss to speak these words in this spirit, to a brave people who love their own homes, and their own State, and their own section, better than they do others, and who, I trust, ought to have, what I desire to-night to inculcate in their bosoms. They should have a respect, and loyalty and allegiance to the common law and bond which binds us together in one Union. I feel, too, the difficulty of addressing a popular audience in this canvass in any other strains than as the advocate of the the election of Breckenridge and Lane, whose friend I am." "[Applause]."

The speech proceeded to explain that the wires were then bringing the disastrous news from Pennsylvania; "a sectional candidate upon a sectional issue" would carry that great State in November; the good men of New York had resolved to fuse their strength. "I address you to-night in



behalf of that union of good men whose influence will extend widely, I trust, over this vast State, until it rolls up a conservative majority in favor of the Constitution and the Union.”  
“[Great applause].”

Mr. Yancey said there had been alleged ultra movements and extremists in the South, but history proved no movement and no leader of the South had desired or demanded more than the Missouri compromise. The Nashville Convention, supposed to be a body of extremists, had declared for it and had unanimously endorsed it. Finding this compromise unacceptable to the North, and repeatedly rejected, the South, as a last resort, recurred to the Constitution and asked that the judgment of the federal courts on her Constitutional rights be accepted. These were the circumstances under which the Republican party had risen, and these were the rights of the South the Republican party was pledged to overthrow.

The South, he said, maintained peculiar institutions. At the formation of the Constitution, Virginia desired to prohibit slavery, but New England refused, and in the last year, 1807, which the slave trade continued, New England had landed on the Southern shores 100,000 fresh Africans. Mr. Yancey said it was a great mistake to contend that the institutions of the South were inimical to the highest attainments of civilization — or that the realized prosperity of the slave States was one whit below that splendid thrift acquired by the free States. Left to the benign influences of the organic law of their Union, the sections would move in conjunction, each in its own appointed sphere, to the achievement of a common destiny unparalleled in the annals of time. Here he brought forward an elaborate array of commercial statistics. Proceeding, he said society had a different foundation in the sections, society was properly considered the foundation of government, but so wise and comprehensive was the Constitution that each section, and each State might pursue its own normal social development without impairing its value to the Union of States and sections. Here he spoke at length of the North, its prosperity and the happiness of its people, and his profound admiration for all it had achieved in material and moral ways. The merchant of the North, or the business man, employed a clerk, but the employer labored harder than the salaried man. This



fact was very significant. It proved that climate and economy co-operated in the North to increase the variety of pursuits and the number of workers. Climate and economy were the law, also, in the South. The Southern field hand, like the eagle, could look the sun in the eye, but the white master must raise his umbrella to screen his health from its rays. "These glorious sons of toil (he said) satisfied in their estate, loving their masters, multiply the prosperity of the civilized world and are the happiest people under the heavens, when your philosophers let them alone." "(Great laughter and applause.)" But Southern whites were not unoccupied. Their contributions to the wealth and fame of the Union put to blush the speculative theorists who would disparage them. He would not defend the South by showing the advantages of the Union to the North. "We aid each other (he said) with a proper sense of brotherhood, with a proper sense that we are citizens of the same country, that we have alike common protection, and should deal out justice to each section, not raising up one at the expense of the other—knowing, in this sense, no section, but dealing with all in the spirit of justice. That spirit should exist throughout the land. But the cry of the assailant resounds throughout your borders, from the rock bound coast of Maine to the golden sands of Oregon—this cry of the assailant, which it is said comes from a majority of your people, that this great institution, incalculably more involved in the social welfare of the South than its mere value in dollars represents, must go down—the cry of the assailant presents an issue. I ask you, gentlemen of New York and of this Northern section, I ask you, as an integral portion of the eighteen million that has been held up, *in terrorem*, by one unwise, braggart son of your soil to our eight million [sensation]—I ask you, my countrymen, what benefit will come to you from the destruction of the vast industrial and social relations of the races of the South." "(Applause.)" He would not speak against the navigation and revenue laws. He was willing to admit revenue and all methods of collecting it, as of the necessary evils of government. But how did the despised institutions of the South stand toward the vital function of taxation for the benefit of the Union? He offered the official data to prove that the exports of the South, upon which

imports paying duty depended, were more than two dollars from the South to one from the North. The cotton, rice and tobacco of the South, which employed nearly all its labor, received no protection and asked for none. But the industries that employed the boasted labor of the North, both manufactures and commerce, were protected, to say the least, most generously. The South knew the tax, felt it and bore it without a murmur. When he went with his 150 bales of cotton to Mobile to find a vessel to take it to New York, he found some ships willing to carry it for \$1 and others for \$1.50. The low charges were made by foreign ships, therefore, under the law protecting the coast trade, he was forced to choose the American, or New England ships, with their high charges. He had nothing to say against the coast trade laws, but he did demand a law to protect his labor against the robbery of the agents of the Abolitionists. "(Great cheering.)" Mr. Seward sneered at the \$40,000,000 trade of the masters of slaves with the North for goods to clothe the slaves. Why did not Mr. Seward offer a bill to prohibit it? Messrs. Seward and Lincoln held certain notions of religion and morals, which they proposed to enforce upon all the land by acts of Congress. "(Laughter.)" "Well, I hope, gentlemen (he said), as you are known to be a very conscientious people, descended from the Puritans—and, also, from the Dutch—a very conscientious people (laughter)—I hope you will entrust legislation upon morals and religion to the great Ruler of the Universe and wont let Lincoln and Seward have anything to do with it. (Great laughter.) They scoff at the merchants of New York who talk about fusion for the purpose of saving the country and its industry. I may be mistaken, and I am willing to sit at the feet of philosophers who will teach me better, but my idea is, that the government of the United States was instituted expressly to protect material interests alone, that it is not a school of ethical theories, that we are all to worship as we see proper and that our morals are to be in no ways meddled with, except that we be required to act with decency and order."

He went into an analysis of the theory of the government to prove that, it was not founded on the principle of the numerical majority, but on justice to the people. The rights

of the minority were the obligations of the majority to abide by the compact of Union. If the majority rule were the correct principle, there could be no advantage in any law. Passion, prejudice and lust would answer the ends of government. "If so, then I say this is a most despotic government of ours, a most tyrannical government, a government of a million kings instead of one and, for my part, I prefer one to many. You may alter the Constitution, you may change it by your superior force, but there is a certain feeling in the breast of every Southern man; that feeling is loyalty to the fundamental institutions of this land; loyalty is the pride of the Southern heart; to this very hour and its perils, to that loyalty and those fundamental principles she appeals her cause. \* \* The right of revolution is the right of the serf: it is no right at all: it is only the last expiring throes of oppressed nationality. [Tumultuous cheering.] Poor Italy is to-day, bleeding and bruised, lifted, perchance, on one knee, with hands yet manacled, striving to rise to the right of revolution. [Cheers.] Have our fathers provided only this for us? Governments should not be changed for light and transient causes, but when the whole property of an entire community is ready to be swept away by a policy of government, that undermines it or deals the death blow direct; when the social relations of an enlightened, virtuous, Christian people are to be utterly destroyed; when their rights are touched upon and the people see the coming collision, they will not wait to be clinched upon." There was no want of evidence, the orator said, to show the character of the "irrepressible conflict" which a Republican administration would have to deal with, and the people of the South were exceedingly anxious to know how they would fare under it. The emissaries of the Abolitionists would penetrate between master and slave, as water penetrates the crevices of rocks. [Laughter, hisses and applause, with a cry, "Put that Abolitionist out."] The presiding officer: "The house will come to order! Proceed, sir, if you please." "Gentlemen (said Yancey), there are various modes by which we express our ideas. Men with tongues are expected to speak reason; adders with tongues to hiss, and so with geese."

*A voice:* "But how about that strychnine?"

*The orator:* "Well, as I was saying, in Texas it is proven beyond all doubt that there were men, some of them reverend gentlemen of the clergy, as they claimed to be, who were taken up for this offense, and the drug was found on them in immense quantities. Arms have been sold and distributed; arrangements to burn towns were exposed; weapons were discovered concealed, and strychnine enough to poison the whole world—so much, indeed, that the wonder was where it all could have been manufactured. If a man is elected President of the United States who sympathizes with incendiaries, not openly countenancing their acts, but believing they are aiding God's cause, he assists the 'irrepressible conflict.' \* \* It is said the South should submit; some people think so. I do not. [Loud cheers.] We thank God we are men who dare maintain our rights."

Mr. Yancey held in his hand a slip of paper, which he explained had been sent to him that afternoon, containing two questions: (1) Would Lincoln's election be cause for secession of the South? (2) Would he assist the federal government to subdue a seceding State? He said the questions were speculations on the future. What would be done if something else was done which he had left his home, his family and his profession to attempt to prevent? In the first place, he did not know how the "*South*" would set about seceding! ["Cries of 'good' and loud cheers."] He did not know how it could be done, and he did not believe it would ever happen. Alabama might find a way to secede, and he was called a State Rights man, but as the question referred only to the secession of the "South" he did not feel bound to answer it. He believed in the right of secession. There were precedents for its exercise. The old Confederation had been dissolved by the separate State secession of Massachusetts, Virginia, New York and the other States. He believed the new Union was not a more perfect consolidation of government, but was, what the preamble claimed for it, a more perfect Union of sovereign States, for purposes specified in the organic law.

*A voice:* "Let us have an answer to the question." \*

*The orator:* "You are getting impatient, my friend! What is the matter with you?" Cries of "question," "question," "order," "order," filled the air. "Be quiet, gentlemen (said

the orator), and, above all, keep your temper. This is a time to vote; at any rate, it is not a time to fight!"

"But what will you do if Lincoln is elected?" cried a voice.

"I hope to God that something will not happen. I am doing my effort to avert the awful calamity contemplated in this question, the election of Abraham Lincoln, the author of the 'irrepressible conflict.' I am showing my fealty to the Constitution and my fealty to the Union, my alliance with conservative men, by expending my time and my labor, to the abandonment of my own private affairs, leaving the comforts of my family, going over the country in uniform at the invitation of my friends who believe my feeble efforts may be of importance to my country at this time. I am doing all of this to prevent that election; and if others will but labor as faithfully as I do in this cause, Abraham Lincoln will never be President of these United States. Now, I am asked if his election would be a just cause of the secession of the Southern States. That is a matter to come up after the ballot box." But the audience refused to be put off without an answer. "Question," "question," was shouted from all parts of the Hall. Quickly and adroitly enlarging the theme, the orator, for full fifteen minutes, charmed the excited throng with a glowing apostrophe to liberty, bringing forth ever and anon tumultuous applause. "It is a grave question; one that I hope God, in His providence, will hold me from considering in the election of some man who does not teach the 'irrepressible conflict.' But when the time comes for me to make up my mind, it will be in consultation with my fellow citizens in Alabama. You in New York have nothing to do with that." "[Applause]." A gentleman, seeing the skill of the orator in parrying the attempt to lead him from his purpose, advanced to the edge of the stage, calling for "three cheers for the answer!" The enthusiasm of the response of the audience knew no bounds. "And now, my friends, (was the peroration), let me close. ["Go on"; "go on."] The event of yesterday presses heavily upon me. I have no exultation; I feel none. I feel that the Constitution is weighed down beneath those heavy majorities. \* \* In the hands of New York is the decision of the question. A more weighty question was never

before you. One freighted with the safety of societies and nationalities is on your mind. Peace, prosperity, the Constitution, the Union, the blessings of Christian liberty may depend upon the vote of New York. That vote may crush all these things. That vote may perpetuate these blessings. That you may be equal, gentlemen, to the responsibilities of this occasion is the prayer of him who addresses you, and who now bids you, respectfully, farewell."

"Loud and continuous cheering saluted Mr. Yancey as he retired." \*

The city papers of the following morning contained the speech in full. The *Herald's* editorial comment termed it, "the very able speech, the argument of which the commercial men of this metropolis are called upon to consider": "Whatever may be thought of Mr. Yancey's notions on secession, his views on the commercial relations of the question are entitled to serious and grave consideration. We commend them to the merchants of New York." The *World's* comment said: "He spoke like a sincere man and a gentleman — with boldness, but with urbanity and dignity, leaving a general impression decidedly favorable." The *Times*, Republican, declared the speech both able and conservative in temper.

Two days later, Friday, October 12, Mr. Yancey arrived at Boston and two hours and a half after stood before one of the greatest audiences ever seen at Faneuil Hall. In the early hours of the evening fire works were displayed in different parts of the city, in great profusion, houses in the vicinage of the Hall were illuminated, processions formed on the streets and an undisguised excitement prevailed on every side. As the orator appeared, under escort, upon the streets, "incessant cheering and demonstrations of applause unlimited made the scene one of great interest. The Hall was as thoroughly packed as it was possible for it to be and the reception by the audience of Mr. Yancey was unsurpassed in cordiality and enthusiasm," said the *Boston Post*. Impromptu meetings were held on the street by that part of the people debarred admittance. The Charlestown Breckenridge and Lane Club came in long procession, bearing at its head a transparency

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\*The reference by Mr. Yancey to his "uniform" is explained in the suit of Southern manufactured gray he wore on the occasion at the request of the Breckenridge and Lane Committee of New York.

with two views of Boston Monument, with a patriotic inscription on each. General James S. Whitney, the presiding officer, delivered a feeling address appealing to the ancient love of State Rights in the hearts of the people of Massachusetts. That was the question on trial, and praying they would hear "the defender of your own liberties and rights, William L. Yancey." There were forty vice-Presidents on the platform, from all parts of Massachusetts; Caleb Cushing, of Newburyport, B. F. Butler, of Lowell, George B. Loring, of Salem, among them. The band playing "The Star Spangled Banner," amidst tumultuous applause Mr. Yancey took the stand. He referred, in the exordium, to the wholesome lessons he had received from New England teachers and Massachusetts schools in his youth and declared he had not forgotten them. The crowd swayed, and confusion and noise compelled him to pause. "And I propose to-night to speak calmly, coolly, dispassionately, I trust, respectfully to all parties in this State, and to the issues involved in this canvass." (Another long pause, in which the presiding officer rose and appealed for order.) Mr. Yancey said he had no idea that any disrespect to him was intended. There were many without seats and the confusion was due to the overcrowded space. The address then fairly began, and for some minutes, now every two or three sentences, next each succeeding sentence brought forth vehement cheers. Massachusetts, he said, would undoubtedly vote in November for a candidate dangerous to the South. What position was it that the South occupied so adverse to the expected vote of Massachusetts? Why had differences arisen that would make the designs of the fathers of 1776 impossible of fulfillment in 1860? Massachusetts had put in motion the spirit of American liberty. The orator proceeded to explain what was meant by all the States in the Declaration of Independence. "If there is a Lincoln man here who thinks I have not stated the question fairly, I will give way and let him make his own statement (he said). It is not questioned. Now I am going to prove my side of the question." The argument here took up the Territorial dispute, for Massachusetts had chartered the Emigrant Aid Societies. It was argued by Lincoln men in Massachusetts that the fathers intended to prohibit slavery in all the territory of the Union,



because they had passed the Ordinance of 1787. But history stood out against that construction. The fathers had refused to extend the Ordinance south of the Ohio and Kentucky; the first new State admitted to the Union, was a slave State; and Tennessee, soon after, came in as a slave State. He argued that the Ordinance of 1787 was passed involving the territory only which Virginia and other States had ceded. Mr. Jefferson had purchased the Louisiana slaveholding Territory, a few years later, with a slaveholding population, stipulating, by solemn treaty, that with their property they should come into the Union. "Did our fathers believe the Constitution originated in an irrepressible conflict between free and slave labor, and design to get slave labor out of the way, by these acts of enlarging the Union by slave States and adding an immense empire of slave territory? Now, my friends of the Lincoln party, I urge this against you, not of course to offend you; it is urged not merely as polemic triumph or in a mere tilt of intellectual gladiatorship. I can get plenty of that amusement at home; I need not come fifteen hundred miles to tilt with the people of Massachusetts. Think on these facts; try to reconcile your theory to them; but, if you cannot do it, then give up your position that there shall be no more slave States. \* \* Do you shrink from honest competition with the slaveholder? [Cries of "No."] Then take your hands off the slave labor and let us fight it out with you on our common property in an honest way." "[Loud applause]."

He then described, in very pleasing and lucid style, what he had seen on his journey through Massachusetts. He had never seen poorer soil. There was much pasturage but very little fertile meadow. Sand banks with little vegetation, surrounded by fine rock fences, enclosing excellent apple orchards, a small patch of Irish potatoes, some buckwheat, some pumpkins and very handsome private residences. "[Great laughter]." He was familiar with pumpkin pie, but he knew that man could not live on pumpkin alone and his thoughts struggled with the enquiry, on what do these people live? "[Renewed merriment]." Thus his journey had passed on, soon to bring him in full view of the smoke stacks of innumerable factories and in hearing of the buzz of the water wheels lining every stream. Coming near the harbor, he



found the wharves covered with cotton and the water with ships. "There was the answer!" "[Loud applause]." Once again general confusion prevailed. Mr. Yancey said he hoped he had said nothing to irritate the audience; he presumed the inconvenience gentlemen suffered from the crowded state of the hall, was the real cause of the disturbance.

"Webster (he said) exclaimed, 'There stands Massachusetts—look at her!' I say of the South, 'Look at her—there she is.'" "[Great applause]." Mr. Yancey now presented an elaborate argument, supported on many statistics, going to prove the sources of prosperity of the sections and their inter-dependence on the basis of the integrity of a Constitutional Union. "You say (he continued) we are equals in this government, but is it right to say we shall not carry our slaves into the Territories? ['Yes:' 'Yes:' 'No:' 'No']. You go where you please with your labor."

*A voice:* "No, sir, we can't go South."

*The orator:* "Yes, sir, you can go South. There is not a man among you who is not welcome, if he don't come to steal our 'niggers'." "[Good! Good!]." He went on to say there were many Northern men engaged in various occupations in his town, respected and prosperous. Three years before, when the panic of 1857, caused by Western land speculations, swept the North, Southern merchants paid their commercial paper, not due, to millions of dollars to help their Northern friends and saved many a one from ruin. But if a bad man went South "to light the match to the magazine under us, the people there would be less than men should he not be swung to the highest limb." "[Great applause]."

*A voice:* "How is it that twenty-three signers of the Constitution voted, before that, in Congress to restrict slavery in *all* the territory the United States held at that time?"

*The orator:* "The gentleman was not here when that branch of the argument was considered, and I really can't go back."

*The questioner:* "I was not, sir. I meant no insult."

In a few words, Mr. Yancey recapitulated what he had said, about the passage of the Ordinance of 1787, at the demand of Virginia, and not as the expression of the independent will of Congress.

Mr. Yancey argued that the slave States, thus far members of the Union, had not given any indications of being sources of impoverishment to the other States, and there was nothing to sustain the objection to more slave States. "Therefore, when you cut off the natural increase of slave States in the Union you strike a blow at your own prospective prosperity," he said.

*A voice:* "We have a right to do it, have n't we?"

*The orator:* "Certainly; a man has a heap of rights, but he would be a big fool to undertake to exercise them, under all circumstances."

Mr. Yancey said, no matter what might be the views of individuals on the theory of slavery, a citizen of the United States was bound to respect and obey the Constitutional guarantees of rights to slaveholders. Any other policy would end in civil war. Instead of the Constitution, securing the rights of both prosperous and powerful sections, the "higher law" alone would prevail, while the sections devoted themselves to strife. As a matter of humanity, of self-interest and law, the South treated the black servants well. The master disposed to be oppressive was restrained by public opinion and the statute. As property, the slave was very valuable, each man commanding \$1,500, in the market. "Suppose you have two horses (he said), one worth \$500, the other \$1,500. I tell you I know a New Englander and the \$1,500 horse will not suffer. [Laughter and applause.] You are allowed to whip your children; we are allowed to whip our negroes. There is no cruelty in the practice. There may be no Solomons, but there are good parents, here. Our negroes are but children. The bird that can sing and will not is made to sing. The negro that will not work is made to work. Society tolerates no drones. Society gains by our discipline of our negroes; we punish them, reasonably, for the law says unreasonable punishment subjects the person inflicting it to legal revenge. You have a very mistaken notion about what you term 'property in man.' The Romans held property in man. A Roman master could slay any number of his slaves and the law would not interfere. Property in man, in my country, does not exist in the Roman sense. The State regards my negro in two lights—he is a man and he is property. As a man, the negro

is protected by the State in life and limb. The law admits the master's right of property in the labor of his black servant, but the law compels the master to feed and clothe his black servants and to inflict no cruelty upon them. The care the masters have given their slaves explains the value of slave property and the great increase in value which has overtaken it. My negroes are well clothed, and bathed at least once a week. I walk out among their cabins, sometimes, as late as midnight. I hear them clustered about a fiddler, singing and dancing, and they keep it up until near daylight. No laboring people on the face of the earth are so happy, so uniformly well fed and clothed and provided for, in sickness and in health, as the slaves of the South. Your policy is not likely to free the slaves, but it does tend to drive the master to measures of discipline more severe as you encroach on his lawful authority."

Mr. Yancey here said he would close. "Go on!" "Go on!" shouted the audience. "What more can I say (he rejoined). If you receive not the reasoning I have already laid before you, if it makes no impression, how can I hope to add more?"

*A voice:* "Give us some popular sovereignty."

*The orator:* "That idea of Douglas' is the wildest humbug! But, Douglas wont hurt anybody. I am 'dead against' Lincoln."

Great confusion followed. Three cheers were called for, and given, to Douglas, accompanied with hissing; also three for Breckenridge.

*Mr. Yancey:* "I call for three cheers for the Union and the Constitution," and these were given heartily.

Quiet regained, the orator entered upon his peroration. This was a chaste and touching eulogy on Daniel Webster. So impressive was the delivery that profound silence ruled, except a slight ripple of applause in the early sentences. Concluding, he said: "If you have not paused, but advanced in that career against which your great statesman expostulated with you, vain are my words. But, my countrymen, I wish, as an Alabamian, to leave with you the words of soberness, the words of justice, the words of truth I have spoken to-night. They are with you."









The audience rose, cheering, and, waving hats, stood in long continued demonstrations. It had been expected that Caleb Cushing would follow Yancey, with a short speech, but the attempt to restore order was evidently hopeless, and the surging mass dissolved of its own impulse.

Before leaving New York for Boston, Mr. Yancey, in company with other Alabamians, Mesdames Smith, Mathews, Le Vert and Miss Le Vert, accepted an invitation to the grand ball given in honor of the visit of the Prince of Wales.

On the evening of October 15, he spoke at Albany, New York; in the forenoon of the next day at Syracuse, and at night the same day at Rochester. The occasion was observed, at each town, as a holiday. Hundreds of people came from the territory adjacent to hear him. At the railroad stations the waiting crowds received him with distinguished courtesy. The stage was everywhere occupied by a large number of the foremost citizens. The speech at Albany was delivered at the Capitol. As the hour approached for the speech at Rochester, as the orator afterwards confessed, he became apprehensive that he was too exhausted to undertake it. Going upon the stage, however, he saw in the audience, immediately before him, a burly black negro man. The negro presently began to ply him with questions, in a supercilious tone. The *ennui* was dispelled by the novelty of the situation, and this, the last of four speeches in the State of New York, proved to be not the least interesting. He said:

“ We are not more selfish at the South or more avaricious than other people, and perhaps we are less selfish than most people, for we have an abundant prosperity. We can afford to lose largely for the sake of the Union, but we cannot afford to lose honor and equality and be treated with injustice. To the conservative men of the North, no matter what your party relations may be—whether Bell, Breckenridge or Douglas, or neither—I make an appeal as a Southern man to Northern men; as a representative of the people of that section to the people of this. Deal with us in the spirit of justice and we will ever remain with you in the interchange of all kindly civilities; we will ever support you as you have need of our services; and we both will be mutually benefited and enriched by the interchange of the products of our respective



industries. \* \* It is not for me to predict and prophesy ; it is not for me to hold up to this intelligent community anything that is calculated to act save on their judgment and their better feelings, but I beseech you, my friends of the Lincoln party, in the name of all that is valuable in our institutions, stay your hands. Do not destroy our self respect ; do us not that injustice, which, when done to a worm, it turns on the heel that crushes it ; which, when done to the brute creation, gives evidence of some sort of resistance. Do not overtax our manliness ; let us settle all these points of difference and determine what is right from man to man ; there let us reason together in the spirit of Washington, of Virginia, and Adams, of Massachusetts, and confer together as to what was the compact of our fathers and the best mode of perpetuating it ; then let us try to keep down and beneath us and under the rein of reason, good faith and loyalty to each other and to the whole government, that unworthy part of our natures which would make us grapple with each other."

Referring his allusions at Albany to certain events in history, the correctness of which had been assailed by the leading Republican organ, the *Albany Journal*, he replied, at Rochester, as follows :

"I have been contradicted in this by one of the leading men in this State—by your ablest Republican editor, Mr. Thurlow Weed. If I am wrong in my statements on such a point you will turn from me with contempt. If that grave and reverend seignior, that old and experienced editor, who has ransacked political history, and is conversant with facts—if he happens to be wrong, what then ? The idea of arguing about Thurlow Weed as an ignorant man will not be entertained for a moment, at least not from one who comes from the benighted South. (Laughter.) But if he is not an ignorant man, and makes statements that are wrong, what is he ? I cannot say. (Laughter.) I hold in my hand a slip from the *Albany Evening Journal*, dated 16th instant. In it is a column or part of a column headed 'Some of Yancey's Misrepresentations.' Some of them. That intimates that there are more back of these. (Laughter.) If these are what he calls misrepresentations, he and I have not studied the same doctrines, have not read the same lessons in history, and have not been taught by

the same sort of instructors as to what men should say of each other when they make assertions. Here is one of his specifications :

“He said that the provision in regard to the slave trade was not subject to amendment or repeal. This assertion is unwarranted. It stands exactly on a par with every other provision” [of the Constitution].

“Now, let us see. I have here a book which is called the ‘Manual of the Legislature of the State of New York’—the ‘Red Book,’—which contains the Constitution of the United States—and I may say that if your legislation was more governed by this Constitution, I am inclined to think it would be much better than it is. (Laughter and applause.) Let us get along slowly, and we may make the more haste. Thurlow Weed has run fast in his statements; I shall be deliberate. This book is printed, I believe, at his office. Now, in Article V of the Constitution we find this clause :

“*Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.”

“I refer back to see what Article I, Section 9, clause 1 is :

“1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.”

“Now, who stands corrected; Thurlow Weed or William L. Yancey? I recommend Thurlow Weed, before he undertakes to correct me again, to kiss this book (laughter), and if he does, he will have more of the Constitution on his lips than he has ever had before. (Laughter and applause.) \* \*

“I have said that the first State admitted into the Union was Kentucky, a slave State, February 4, 1791. Thurlow Weed says that Vermont and Maine were both admitted as free States before that time. And this is another of his specifications in charging me with misrepresentation. We shall see how that is—who is right this time.

“I went with a friend in Syracuse this morning, after I had read Mr. Weed’s article, to the library of the Court of Appeals

in that city. I found there one of the judges of your courts, who said that he was Republican, but conservative. He treated me with great civility, and showed me at once the books I desired to find. They were Brightly's Digest of the Laws of the United States and the United States' Statutes at large. I found that Maine was admitted on the 3d day of March, 1820. Thurlow Weed only made a mistake of *thirty years*. If such a difference between statement and fact is habitual, he will be a long time in catching up. (Laughter.) But this is a fast age. We have the telegraph and railroads now, and truth travels faster than it used to.

"Another State, the good old State of Vermont, was admitted. Mind, I say the good *old* State. She was much better in the old days than she is now. (Laughter.) She used to understand and hold to compacts between the States; but I think from the majorities she now gives, that she does not understand and tries to disregard them. When was the act passed to admit Vermont? February 18, 1791. I have then got fourteen days the start of Thurlow Weed in this instance. That is coming little nearer the truth, and if he progresses a little longer in that direction he will catch up. (Laughter.)

"I am charged with misrepresentation. That is not an agreeable thing to hear by a person coming among strangers. I do not say Mr. Weed misrepresents; but I do say that he is either grossly ignorant or he misrepresents. I have no quarrel with him on that. I am willing the people shall judge between him and myself, when they have looked into Brightly's Digest, and not before."

"Mr. Yancey resumed his seat amidst most enthusiastic and deafening applause."

The increase of mail facilities, the cheapening of postage and the spread of education had raised up the modern newspaper, in the year 1860, as never before, to divide with oratory its ancient prerogative as counsellor and guide of the people. The strong Republican party organs in the West were domiciled at Cincinnati. I incorporate, therefore, in this narrative the account of the Cincinnati *Commercial*, Republican in politics, of Mr. Yancey's speech at Pike's Opera House, in that city, and editorial comments accompanying it, in illustration

of the temper of the West. The speech was delivered October 22. The editor wrote:

"The splendid audience which listened on Saturday night for two hours and a half to the persuasive eloquence of the Alabama statesman, was in itself a tribute of which any orator might well have been proud. The opera house was packed full — men standing in the aisles, and occupying every available foot of sitting and standing room — and there were a considerable number of gentlemen on the stage. In the second tier was a large representation of ladies.

"Mr. Yancey made his appearance in due season, fresh and smiling as usual. He was cordially greeted by a number of gentlemen on the stage, among them Senator Pugh — the famous encounter of our Senator and the Southern Champion at Charleston, being entirely without personal feeling. Dr. Vattier introduced Mr. Yancey to the audience, remarking that Mr. Y. had been speaking that day over in Kentucky until his voice was somewhat impaired, and it would be necessary, in order to hear him, to preserve profound silence. This was unnecessary, for there is no danger when Yancey speaks, but the people will be still. Mr. Yancey commenced in a very quiet, earnest, persuasive sort of way, saying that he proposed to address himself to the reason of his audience. He did not propose to employ the arts of the rhetorician or declaimer, but to reason soberly and truly. It was soon evident that the speaker was thoroughly at home before an audience; that he had been a close student of the history of the country; that, indeed, he had studied so well as to know what to omit to mention, quite as well as that which should be named, to help his case. It was also apparent that he (as most of the Southern politicians of the higher grade) had been indefatigable in investigation of the Constitution of the United States, and was perfectly familiar with our political history, the statistics of our industry at home, and our commerce with the world, and the laws of the States. It is probable we will not do injustice to the extreme men of the South, when we say that their case has never been presented more strongly than in this effort of Mr. Yancey. \* \*

"There were before Mr. Yancey many Irish and Germans, and he was speaking to men of two continents, descended from half a dozen nations, and Southern as well as Northern States. He, therefore, mistook his crowd — a capital error in any speaker — in considering it was made up of New Englanders and New Yorkers and their descendants. He did command the sympathies of his audience, after a time, notwithstanding, but if he had been less an orator, he would have lost everything.\*

"Mr. Yancey did not tell why Virginia had excluded her own children from the lands she ceded with their slaves. He should have

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\*The editor's error is in happy illustration of Mr. Yancey's appreciation of his audience. The editor had denied the purposes of the Republican party. Mr. Yancey so explained them to "men of two continents, descended from half a dozen nations," as to command their sympathy. The speech at Cincinnati was, thus far, peculiar to the locality.

given the reason for the discrimination. \* \* We agree with him in his general propositions as to the unfairness of the tariff system. But, Mr. Yancey, suppose we abolish the tariff altogether and, trading freely with all the world, abolish our unsightly Custom Houses, and our standing army of politicians that infests them — and raise the revenue by direct taxation, will you gentlemen of the South, consent that your slaves shall be taxed according to their market value? Shall we have slave property listed at four thousand millions of dollars and taxed accordingly; or will you insist then that slaves are persons and that the tax must be *per capita* and not according to federal enumeration?\*

\* \* “The interruptions from the audience had been invited by Mr. Yancey, but they resulted in some excitement. There were loud cries to put out those who were making the interruptions; and the police, we believe, did seize one man. Mr. Yancey said he did not object to interruptions. He was willing any gentleman should ask him a question. And he hoped no gentleman would cry ‘put him out.’ He further complacently assured the audience that in any controversy with objectors he would not be wanting, a self-assertion that produced great manifestations of approbation. He assured the audience that it was their duty to stand by the Constitution, and defend it from all assaults. That was the only way to continue the common prosperity of the North and South. He referred to that which had been said of the capacity of the eighteen millions of the North to overcome the eight millions of the South. But the battle was not always to the strong, nor the race to the swift. He prayed God that there never might be war between the North and the South. But the policy of the Republican party could not be carried out in peace. He was for the Union under the Constitution as ordained by our fathers — and he was against any other Union. He would stand by the Union our fathers made, if need be, in blood. He would resist, however, the destruction of the rights of the South. The rights the South fought for in the Revolution — the rights declared in the Declaration of Independence, and consolidated in the Constitution — were not the rights of the worm, to turn when crushed, or of the mule, to resist when over-driven — not the right of revolution — but the same rights our fathers declared in the Declaration of Independence — to withdraw from the Government and form a more perfect Union; establishing order, and securing equality elsewhere. He was for resisting the overthrow of the Constitution by mere numbers. The North had the power of numbers. The South held up the Constitution our fathers had made, against the arrogance of majorities, the prejudices and passions of numbers. The Constitution was the shield of the South, of the minority section against the majority. Mr. Yancey drew the usual parallel between the Southern States and the thirteen

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\* Mr. Yancey's State taxed slaves *per capita*, on a property basis. There is no reason to suppose the Southern people would have objected to a tax *per capita* on slaves, on a property basis, for the purpose of raising an equitable share of federal revenue. It is not probable the Northern people would have favored a direct tax on the property of all the people of the United States so long as the chief item of property in the slave States, as to three-fifths of it, was represented in Congress, while no kind of property in the free States was so represented.

colonies, and England and the Northern States, in the days of the Revolution, with unusual force of expression, and then declared that if the North was resolved to make the Union an instrument of oppression, and proposed to coerce those who resisted, that if they of the North would hold as England held, that resistance to her power was treason, then he, Mr. Yancey, stood before them a *traitor*, and they might make the most of it! There was a wild scene in the house at this sensation point. Mr. Yancey folded his arms and looked defiance, and there was alternative bursts of applause and hisses for some minutes. The hisses were finally drowned out. Then Mr. Yancey very solemnly referred to the scene in the House of Burgesses in Virginia, when Patrick Henry was hissed by the minions of power. The minions of power had that night hissed a sentiment similar to that uttered by Patrick Henry. There was still more applause, but the suggestion of a correspondence between Patrick Henry's 'if this be treason make the most of it,' and Mr. Yancey's announcement of himself as a traitor, in a contingency, and the information which he volunteered that the most might be made of it, did not produce a very profound impression. The fact is, Mr. Yancey narrowly escaped being guilty of a bit of gasconade, of the most ludicrous character. Only the earnest character of the man saved the tragic scene from being farcical. As the case stood, the general impression made was, that Mr. Yancey was rather chivalrous than otherwise, and had taken an imposing attitude. The scene would not, however, bear rigorous analysis. \* \*

"When Mr. Yancey concluded, he was warmly congratulated by friends on the platform, and the public curiosity and excitement about the individual were greatly enhanced. The impression made upon the audience was remarkably great. There were few, indeed, who did not recognize the potent spell of the orator.

"The meager and imperfect abstract which we have been able to give of the speech, is, we are aware, entirely inadequate to indicate the force of the effort. Many Republicans declared they never had heard the case of the South so well presented. Some expressed surprise at the effect produced upon themselves. This speech will be the talk of the town for some days, and we offer in this place some observations which seem to us pertinent and calculated to improve the occasion. \* \*

"\* \* \* Mr. Yancey certainly has nothing to complain of in the treatment which he received at the hands of the people of Cincinnati. We have, however, to complain of him, that there was something offensive—perhaps it was unconsciously so—in the tone in which he spoke of negro thieves, and the imputation of dishonesty which he seemed at times to cast upon this community. This is, however, a subject, upon which we have no disposition to dwell. It is a question of taste and manners that may be safely left to the popular understanding, without argument. We are glad to meet in Mr. Yancey a man capable in these times, at this stage of a Presidential campaign, to make a political speech, in the two hours and a half time covered by which, there was

hardly a minute, when it would not have seemed stooping from a high argument, to have named the current controversies, about Douglas and Bell, Lincoln and Breckenridge. The only living politician named by Mr. Yancey was Mr. Seward, and he as the author of the 'higher law.' The dignity of the orator in abstaining from all personal twaddle, and maintaining his attitude so constantly on the higher level of Constitutional argument and historical disquisition, is compensation for his erroneous estimate of the character of his audience, and his Southern provincialism in the employment of terms respecting those whose opinions are in conflict with his own.

"We are pleased to give him credit for having spoken, in a time most provocative of partisanism, not as a partisan, but as a representative man of the South, to a representative assembly of the men of the North. He has doubtless stimulated much thought in this community; and if he is a wise man, he has seen and heard that in the North, which should cause him to reconsider some of the narrow and rash propositions which he advances with so much eloquence."

The peroration was :

"I am no prophet. I make no prophecy. It does not become me to indulge here in gasconade. But, my countrymen, you cannot carry out the policy of the Black Republican party. You cannot carry it out and expect the South to remain submissively, bowing down to your supremacy. We are for Union. What Union? For the Union, gentlemen, contained between these two lids. (Holding up the Constitution.) \* \* May that spirit of justice and truth which prevailed among our common ancestry be ours, to prevail in the loyal bosoms and great hearts of this people; and may they respect each other as our fathers respected each other. \* \* They met in common council, respected each others rights, only knowing that there was a North and a South, in order that the North might do justice to the South, and that the South might reciprocate in a friendly feeling the justice of the North. That was the noble feeling of our ancestors. Why cannot it prevail now? Are we better than they? Are we wiser than they? Have we higher objects to attain than they had? Can you obtain anything, gentlemen, by destroying, even if you are able, my section, save the memory of a great wrong that would haunt you through eternity? \* \* But, if you have power, exercise it like men. If you have intelligence, show it in the manner in which you administer this government. If you have justice, let justice prevail though the heavens fall. (Cheers.



But do not, do not, my friends of the North—I say it before you in no spirit, gentlemen, of servile submission to your power or servile acknowledgment of that power, for, as God rules, I have no fear of it as much as I respect it—but do not, merely because you feel you have the power, do not wreath your arms around the pillars of our liberty and, like a blind Samson, pull down that great temple upon your heads as well as ours.” “(Tremendous cheering.)”

The last of the series of speeches in the free States had now been delivered, when Mr. Yancey re-entered the slave States to continue his labors. It is now profitable to consider, somewhat, the utterances of other orators, laboring for other parties. Did the South fear the Republican party because of its revolutionary instincts, and the Democrats of the North quail before the marvellous rapidity of its growth, because of the same reason? In the month before Mr. Yancey spoke at Cincinnati, Mr. Lincoln spoke there. He said it was the duty of Congress to provide for the general welfare of the United States; that the institution of slavery was irreconcilable with the general welfare of the “Nation,” and that it became the duty of Congress, therefore, to extinguish it. With more eloquence, but not with greater emphasis, Mr. Sumner spoke, in the same season, at New York. He said:

“All that the Republican party now opposes may be found in the opinions of John C. Calhoun. All that the Republican party now maintains may be found in John Quincy Adams. \* \* And now, fellow citizens, what is slavery? That is no question merely of curiosity or philanthropy; for when the National government, which you and I at the North help to constitute, is degraded to be its instrument, and all the National Territories are proclaimed open to its barbarism, and the Constitution itself is perverted to sanction its pretensions, the whole subject logically and necessarily enters into our discussion. [Applause.] It cannot be avoided; it cannot be blinked out of sight. Nay, you must pass upon it at the coming election. Futile is the plea that we at the North have nothing to do with slavery. Granted that we have nothing to do with it, in the South, we have much to do with all its irrational pretensions under the Constitution, and just so long as these irrational pretensions are urged slavery must be discussed. It must be laid bare in its enormity, precisely as if it were proposed to plant it here in New York. [Loud applause.] Nor can such a wrong, foul in itself, and fouler still in its pretensions, be dealt with tamely. Tameness is surrender; and charity, too, may be misapplied. Forgiving those who trespass against us, I know not if we are called to forgive those who



trespass against others; to forgive those who trespass against a race; to forgive those who trespass against the Republic; to forgive those who trespass against civilization; to forgive those who trespass against a whole race; to forgive those who trespass against the universal human family; finally, to forgive those who trespass against God. [Tremendous applause, lasting for several seconds.] Such trespasses now exist among us, possessing the organization of party, possessing the control of the National government, constituting, at this moment, a colossal power—and ‘what seems its head, the likeness of what a President has on.’ [Laughter.] Surely, if ever there was a moment when every faculty should be bent in the service and all should be invigorated by an inspiring zeal, falsely rejected by the heartless diplomatist, it is now, while the great battle between civilization and barbarism is still undecided and you are summoned in the name of freedom to resist the last desperate shock [Great enthusiasm.] To this work I am not equal; but I do not shrink from the duties of my post. Alas! human language is gentle, and the human voice is weak. Words only are mine, when I ought to command thunderbolts. [Renewed applause.] \* \* And I might proceed to show how this barbarous influence, beginning on the plantation, diffuses itself throughout society, entering into official conduct, and even mounts into Congress, where, for a long time, it has exercised a vulgar domination. But I shall not open this chapter, for time does not allow me. But there is one frightful circumstance, unhappily of frequent occurrence, which proclaims so clearly the character of the social system bred by slavery, that I shall be pardoned for adducing it. I refer to the *roasting of slaves alive at the stake*, an instance of which has lately occurred in Georgia; not after a public trial, according to the forms of law, as at the fires of Smithfield, but by a lawless crowd, suddenly assembled, who, in this way, make themselves the ministers of a cruel vengeance. This barbarism, which seems to have become a part of the customary law of slavery, may well cover us all with humiliation, when we reflect that it has already been renounced by the copper-colored savages of our continent, from whom it was originally derived; while during the present century, more instances of it have occurred among our present slave masters than we knew of among our savages since that early day when Captain Smith was saved from this fate by the tenderness of Pocahontas. Perhaps no other usage reveals with such fearful distinctness the deep-seated, pervading influence of slavery, offensive to civilization, hostile to law itself, by virtue of which it pretends to live, insulting to humanity, shocking to decency, and utterly heedless of all rights, forms or observances, in the maintenance of its wicked power.”

Mr. Douglas began a personal canvass at the South, at Norfolk, while Mr. Yancey canvassed at the North. He was received everywhere with distinguished honors—the Bell Unionists vying with his own wing of the Democracy in public and private courtesies to him. At Norfolk he said:

"This proposition, for Congressional intervention for slavery, comes from the State of Alabama and from the pen of William L. Yancey. It came from the State of Alabama and the pen of the same William L. Yancey who, in 1856, insisted upon non-intervention as the only condition upon which Alabama would stay in the Cincinnati Convention. [Applause.] Alabama presented this doctrine of non-intervention as the *sine qua non* — the only condition upon which she would consent to act with the Democratic party, because, she said, the honor, the rights and the safety of the South depended upon the principle. We of the North, to whom this principle was then dictated by Alabama, after examining it, said that we did ourselves believe the demand was just, and hence we accepted it, notwithstanding the rude and ungracious mode in which Alabama had dictated to us."

In the midst of Mr. Yancey's speech at Cincinnati a sealed letter, addressed to him, and the card of Mr. St. Clair M. Morgan, of Tennessee, were handed to Dr. Vattier, on the stage. No explanation was made at the time and after the meeting had adjourned the card and letter were placed in the orator's hand. He slipped both into his pocket and did not examine the letter until he reached his apartments for the night. The letter contained what had been known as the "Douglas questions," propounded to Mr. Douglas at Norfolk, during his speech there. In the midst of Douglas' argument an open slip of newspaper was handed to him, taken from a morning paper published there. The speaker read it and proceeded as follows:

"I am not in the habit of answering questions propounded to me in the course of an address, but on this occasion I will comply with the request and respond, very frankly and unequivocally, to these two questions.

"The first question is, if Abraham Lincoln be elected President of the United States, will the Southern States be justified in seceding from the Union.

"To this I emphatically answer 'no.' [Great applause.] The election of a man to the Presidency by the American people, in conformity with the Constitution of the United States, would not justify any attempt at dissolving this glorious Confederacy. [Applause.] Now I will read to you the next question and then answer it.

"*Question* — If they (the Southern States) secede from the Union upon the inauguration of Abraham Lincoln, before he commits an overt act against their Constitutional rights, will you advise or vindicate resistance by force to their secession? [*Voices*—"No, no."]

"*Mr Douglas* — I answer emphatically that it is the duty of the President of the United States, and all others in authority under him,

to enforce the laws of the United States as passed by Congress, and as the courts expound them. [Cheers.] And I, as in duty bound by my oath of fidelity to the Constitution, would do all in my power to aid the government of the United States in maintaining the supremacy of the laws against all resistance to them, come from what quarter it might. [Good] In other words, I think the President of the United States, whoever he may be, should treat all attempts to break up the Union by resistance to its laws as Old Hickory treated the nullifiers in 1832. [Applause.] The laws must be enforced, but at the same time, be it remembered, it is the duty of every citizen of every State, and every public functionary, to preserve, maintain and vindicate the rights of every citizen and the rights of every State in the Union. I hold that the Constitution has a remedy for every grievance that may arise within the limits of the Union. I am very frank in answering these questions. I am not in favor of any policy which would tend to give rise to complaints or murmurings, much less to such as would call for resistance from any quarter. I acknowledge the inherent and inalienable right to revolution whenever a grievance becomes too burdensome to be borne. I acknowledge the right of every man to repel and change the form of government under which he lives, whenever it proves destructive to the ends for which it was established. That is a right, however, never to be resorted to until the operations of the government become more grievous than the consequences of revolution. And therefore I say that the mere inauguration of a President of the United States whose political opinions were, in my judgment, hostile to the Constitution and safety of the Union, without an overt act on his part, without striking a blow at our Constitution or our rights, is not such a grievance as would justify revolution or secession. [Cheers.] Hence I say, whoever may be elected President of the United States, he must be sustained in the exercise of all his just Constitutional prerogatives and powers.

“Lincoln has no hope of being elected except through the efforts of the Secessionists, who have divided the Democratic party — supposing that Breckenridge would carry every Southern State — though it now seems he is not going to carry a single one by the people. Still, by dividing the North, he gives every one of the States to Lincoln, thus allowing him to be elected by the popular vote. Why, what was the true aspect of the contest before the secession? Lincoln had no show whatever for more than two States till the Breckenridge division took place, and I would have beaten him in every State, but Vermont and Massachusetts. As it is, I think I will beat him in almost all of them yet. [Cheers.] But should Lincoln be elected, the Secessionists, who nominated and now support Breckenridge, will be entitled to the credit of it, and upon them will rest the responsibility of having adopted the fatal policy; and dreading the result of their own rash and unpatriotic acts, which gives to Lincoln a chance of success, they come forward and ask me if I will help them to dissolve the Union in the event of Lincoln being raised to the Presidential chair. I tell them, no — never on earth. [Cheers and cries of ‘Good.’] I am for putting down Northern

Abolitionism, but I am also for putting down Southern Secessionism, and that, too, by the exercise of the same Constitutional power. ["Good."] I believe that the peace, harmony and the safety of this country depend upon destroying both factions. [Cheers.] Both parties they can be called, are allies in a common cause; for however hostile they may be to each other, however opposed in purposes and objects, yet their course of action tends to the same deplorable result; and without meaning any disrespect or personal unkindness, I believe that, in the event of the success of either party, the success of the Northern Abolitionists or that of the Southern Secessionists, the Union and our glorious Constitution are alike put in peril and danger. Northern Abolitionism could not exist for any length of time, except there was a counterpoise demanding the intervention of the South. The Republicans demand Congressional interference against slavery, while the Secessionists demand that Congress shall interfere to protect and extend slavery. This is the pivot upon which both parties turn; this, my friends, is the whole state of the case; those are the dangers to be apprehended, and thus it devolves upon you to rally to the rescue, and by voting the National Democratic ticket placed before the country by the Baltimore Convention, to preserve this glorious Union."

The argument of the three principal contesting parties and the methods of the leading orator in each may be ascertained with some measure of satisfaction to the reader, from the examples of oratory just cited. Where the argument lay, and which orator was most candid, are questions of historical inquiry. Mr. Sumner appreciated the superstitious mind of a large part of his audience and pandered to it in the fable related of "usage" at the South in burning negroes at the stake! The delivery of Mr. Toombs' speech at Boston, in 1856, was interrupted by a question from one of the audience, demanding to know if slaves were not used to draw the plow in Georgia. The orator replied by offering a problem in arithmetic for answer. If a mule at \$150 would perform the work at the plow which would require the strength of ten negroes at an aggregate cost of \$15,000, should negroes be used to draw the plow? In my childhood a relative returned from a summer tour in New England. In relating his experiences, to the amusement of the juvenile members of the family, he gave the answer he made to a question put by friends at Boston, who asked if negro skins in the South were not turned over to the tanner. The answer was in the affirmative, coupled with the assurance that no planter would wear calfskin boots if

the negro skin article could be bought! Mr. Sumner's narrative of "slave masters" customs was doubtless derived from sources corresponding in dignity to the burlesque of this gentleman upon the fanaticism of his Boston environments. The narrative was argument, however, contributing its part to an awful sequel. Mr. Douglas' tax upon the credulity of his Southern audiences was of the necessity of his situation. His doctrine of squatter sovereignty was, itself, derivative from the authority and will of Congress. It was not, in its essence, Congressional non-intervention, but rather Congressional intervention of the most arbitrary character. His later speech at Atlanta expressed those sentiments which so endeared him to his Southern following. Touching the fugitive slave provision of the Constitution, he said:

"I will quote it that you may know exactly what it is: 'No person held to service or labor in one State *under the laws thereof*, escaping into another, shall be released by any law or regulation therein, but shall be delivered up,' etc. *A person held to service in one State under the laws thereof*. Not under the laws of Congress; not under the Constitution of the United States; not under any federal authority. In a State under the laws thereof!'"

*A voice:* "Do you allow negro suffrage in Illinois?"

*Mr. Douglas:* "No, sir; we do not have any negro voting there. [Cheers.] \* \* Why did we abolish slavery in Illinois? Not because we were Abolitionists. There was not such a description of animal in the whole of Illinois as an Abolitionist. [Applause and laughter.] There was scarcely a Yankee to be found in the whole State. [Renewed laughter.] Why did our people adopt a system of emancipation? Simply because they had ascertained, by experience, that our climate, with our soil and our productions slavery was not profitable. They could not make any money out of it, hence they turned philanthropists and abolished it." "[Laughter and applause.]"

Mr. Douglas explained in this speech that, in 1852, so soon as General Pierce received a majority of votes in the Baltimore Convention, he directed his name to be withdrawn, and, in the Cincinnati Convention, so soon as Mr. Buchanan received a majority, he repeated the same instructions. By holding out in either Convention he could have prevented the choice, under the two-thirds rule, of the nomination made. He said:

"There were, at Charleston, twenty-five or thirty men, each a candidate for the Presidency, some of them publicly and others confidentially, some standing evil in the light of heaven where you see them

and others hid in the bushes and behind the trees, watching to see how the tide would run. All these competing candidates formed a combination to crush me, intending to fight it out among themselves afterwards. In this connection he would reveal a part of the history of the contest in the Conventions of that year, which he had, up to that time, kept secret. When the battle was warmest at Baltimore he had telegraphed to Mr. Richardson to withdraw his name and substitute that of Alexander H. Stephens." "[Tremendous applause.]"

Mr. Yancey passed over into Kentucky from Cincinnati. The Louisville *Journal*, a Bell paper, edited by the famous wit, George D. Prentice, so soon as it became known that Yancey would visit the West, urged the people not to hear him. In this appeal it was joined by some of the country press. The friends of Yancey were in undisguised apprehension that trouble might be fomented by the intemperate course of Prentice. At Lexington two thousand farmers and citizens congregated on the green at the rear of the Court House, where a stand for the speakers was erected, to hear the Alabamian. Their Representative in Congress, James B. Clay, introduced him. The effect of Prentice's counsel manifested itself in some rude conduct, but the orator soon overcame it. Four or five speeches were delivered to very large audiences in Kentucky, the last at Louisville. Prentice there stood immediately in front of the orator, absorbed in what he heard, for three hours. All along the line of travel, from point to point, in this State, crowds of people assembled at the stations. At Paris and Cynthiana ladies and gentlemen thronged the stations, and the demonstration was so eager that Mr. Yancey appeared on the platform to acknowledge the honor paid to him. In those days such occurrences were rare.

As Mr. Yancey turned his course southward Mr. Douglas entered Tennessee. Both leaders spoke, on different hours, at Nashville, Friday, October 26. Senator Henry S. Foote was the active partisan of Mr. Douglas at that point. Mr. Douglas spoke in the forenoon on the Court House grounds. The train from Louisville, on which Mr. Yancey was expected, was due to arrive in the time appointed for Mr. Douglas' speech. Therefore, the friends of Mr. Yancey, anxious to preserve the dignity of the occasion, decided to forego a public reception of him, which, in a small city, might be expected to interrupt,



measurably, the proceedings at the Douglas meeting. "Nevertheless, the excitement of Mr. Yancey's arrival was of the wildest and most enthusiastic character, a portion of the crowd endeavoring to unhitch the horses and themselves draw Mr. Yancey's carriage through the streets. They were prevented by his firm refusal. At the Sewanee House he was compelled to appear on the balcony and bow his acknowledgments of the continuous cheering."

At eight o'clock in the evening fifteen thousand people had assembled on Capitol Hill, about a stand erected near the east porch of the State House. The upper portico and terrace, reserved for the ladies, was densely packed. The night was frosty and the wind high. The orator, escorted by the Breckenridge Guards, the Lane Guards, the Union Guards, music and a long procession of citizens, appeared and "the scene of tumult defied description." As he came upon the stand a preconcerted cry rang through the throng: "To the Court House to hear Foote!" repeated again and again. The lights were almost extinguished by the high wind; yells, hisses, groans, filled the air. Yancey quietly resumed his seat. Rising again, he expressed regret that he had not been informed of Judge Douglas' appointment to be in the city on that day, knowing nothing of the presence of that gentleman until he himself left the cars in the morning. A lady here sent him a wreath of delicate flowers and he hung it about his neck. He had not come to impugn the motives of others, he said. He would pass, without comment, the fierce and malignant assaults made on himself. In the time of Andrew Jackson the question of squatter sovereignty had come up in Congress and had been disposed of. Tennessee could safely follow the principles of her greatest leader. The Territorial Legislature of Florida had placed a special tax upon the slaves of non-residents. The Garnetts, of Virginia, owned a large number of slaves in Florida. They appealed to Congress rather than to the Courts and Andrew Jackson signed the act of Congress forbidding the tax assessed by the Florida Territorial Legislature. Congress, in that day, considered itself bound to protect the property of all the people on the common domain. Mr. Douglas sometimes likened the doctrine of squatter sovereignty to the right of the marital relations, to be

exempt from Congressional interference. The ladies would be interested to know that, a Territorial Legislature could not even grant divorces! In Florida four married couples, in a moment of passion, applied to the Territorial Legislature for divorces and received them. By and bye, amiability and reason returned and they applied to Congress to annul the decrees of the Legislature. The necessary proceedings in that body were established and four happy homes restored. Had Mr. Douglas been a Senator then, those eight people and their children must have remained in disquiet and misery, all for the sake of a political abstraction and heresy. After speaking two hours, he said: "If I have antagonized Mr. Douglas, it is because he has tied the brand of discord to the tail of the party fox to be turned loose on our Southern fields. If I uphold Mr. Breckenridge, it is because he upholds the standard of principle and has about thirteen chances for election to one for Mr. Bell. When the ballot is told, I hope we shall have a united people. Asking your indulgence, I bid you farewell." ("Go on;" "Go on," shouted the audience.)"

"I have been heralded among you by calumnies and abuse. I would mention this thing only to invoke the charity of forgetfulness. I have had some words of kindness in your city. I am thankful. I ask not charity, but justness in your judgment. If, in this canvass, I have uttered some words for truth and my country, on that I rest. Ladies and gentlemen, good night!"

Mr. Douglas pursued a southernly course; Mr. Yancey went direct toward New Orleans. Few were the orators, of the least importance in the North or the South, who were not now, in the closing days of this historic campaign, before the people. The three Georgians, Toombs, for Breckenridge, Stephens, for Douglas, and Benjamin H. Hill, for Bell, next only in rank below Yancey, were the favorites of the South.

The Sunday, Mr. Yancey passed in quiet at Magnolia, in the vicinity of New Orleans. Early the next morning a committee of the city received him there. Within the city, the most intense interest in his approach prevailed. At dawn, the gathering of the uniformed militia and ununiformed semi-military organizations began. A public holiday was informally proclaimed. Flags and banners were run up in every quarter.



The streets were packed with people, thousands of whom were from the interior of two States, along the line the procession would take to the railroad station. At nine o'clock the train bearing the orator and his escort rolled into the station amidst prolonged cheering from the multitude in waiting. Bands played, cannon fired and hundreds of ladies and children from windows and housetops waved banners and pocket handkerchiefs. Drawn up in full ranks at the station were the gaily uniformed soldiery, and there too, in uniform, were the Breckenridge Guards, the Chalmette Guards, the Yancey Guards, the Southern Guards, the Lane Dragoons. An open coach, drawn by four richly caparisoned bays, stood in the centre of procession. Mr. Yancey, in his suit of gray, stepping upon the platform of the car, was cheered with uncontrolled enthusiasm. Down Camp street, the line moved, greeted from every housetop with the utmost demonstrations of joy. Passing LaFayette square, the ancient Washington Artillery, stationed there, fired thirty-one guns. Arrived at the St. Charles Hotel, the orator immediately sought the repose of his chamber, but the crowd remained on the street, cheering incessantly. Appearing upon the porch, he bowed his thanks, saying merely that "the scenes of the morning could leave no doubt of the devotion of New Orleans to the Constitution, and the Union of the Constitution."

At sunset, the procession, with augmented numbers, began to form; at twilight it was in motion, with music, banners and innumerable transparencies passing through the principal streets, where every house was illuminated and the utmost display of public rejoicing ruled the hour. The stand was erected about the Clay monument, and a stand of equal architectural beauty, or so capacious or so beautifully ornamented had never been seen before in all America. An illuminated arch spanned the entire front. In large letters of light, formed by burning gas, the device shone forth:

"THE CONSTITUTION AND THE EQUALITY OF THE STATES;  
THESE ARE THE SYMBOLS OF EVERLASTING UNION. LET THESE  
BE THE RALLYING CRY OF THE PEOPLE."

Canal street, from wall to wall, the entire distance from Camp to St. Charles, was one solid, crashing mass of ladies and gentlemen. Five hundred gentlemen from the city and

the interior parishes were selected as vice-Presidents, and sat on the stand. "One outburst of applause went up from the multitude and was repeated over and over again, until the entire city seemed to echo it back again and again, as William L. Yancey came to the front of the platform. He stood there, as the waves of rejoicings enveloped him, evidently deeply touched, and well he might have been." (Report New Orleans *Delta*, October 30.)

The exordium of the speech was a graphic description of the relation of New Orleans to the social and industrial life of America. There the navigable waters of a great empire, covering a variety of climate and the home of limitless prosperity, entered the sea. New Orleans, of all American cities, had the most practical interest in the government of the Union. Like the apple of discord thrown among the Grecian goddesses, the city would be contended for by the North, the West and the East, while the South would hold fast to it as "the gem of purest ray serene." Mingled with the general applause which followed, came a determined attempt at disturbance. The orator indignantly rebuked it, and decisive measures were about to be taken to expel the fomentors when, at his request, the matter was allowed to drop. Resuming his discourse, he said: "Free and slave labor are surely in no conflict here. The grain, meats and manufactures of the West meet here the cotton and sugar of your plantations. You are interested, therefore, in maintaining the bond of the Union. What is that bond that holds the States, like the planets coursing through their orbits, rivalling each other in beauty, yet never falling into disastrous contact? It is the principle fixed by our fathers in the origin of the Union — the Constitution." He had been much at the North; he had striven to shake off the shackles of party and to speak with a single eye to the salvation of the country. He had told the people of New York that New Orleans was superior to their city in promise, because it could not be a sectional city. New York had raised two millions of dollars to defeat Lincoln. Lincoln deserved defeat and the use of money was what, was termed there, "practical politics." He had been elected twice to Congress and both canvasses had not incurred an outlay of five dollars. He heard, in New York, that a seat in Congress

from that city cost fifty thousand dollars ! There was a great difference between the people of the two sections. The North was far better organized than the South, to accomplish a result at the polls. He had been gratified to find in the North many true friends of Constitutional government. The only question was, could their good wishes avail to relieve the South ? He did not recommend a Southern Confederacy, except to preserve a Constitutional Union. This question was now about to be decided at the ballot box. Douglas had issued his orders : " Make no fusion with the Breckenridge men," and thus it was that Pennsylvania had gone for the Republicans. He had received an anonymous letter that evening from " a friend." He had never had a concealed friend before. This friend wished to know how slavery would be safer out of the Union than in it. He would say, as to himself, that he had devoted much time and labor to save the Union. If the necessity for its dissolution should arise it would come from the effort to preserve liberty itself.

" And now, (he said), as to this reserved right of secession, this right which is attempted to be confounded with a revolutionary right, it involves the theory of our government. If we feel, in duty bound, to adhere to the government, we are prepared to examine the doctrine of State sovereignty. When the Constitution was formed it was a Constitution 'for' the United States and not a Constitution of a nation of people. It was first sent to Congress to see, not whether it was suitable to be submitted to the people of the nation, but to the people of sovereign States. It was provided, that if nine States should ratify it, it should be a Constitution 'for' them but not for the remaining four. North Carolina did not come in until after the election of Washington, as President. Were bayonets sent out to compel North Carolina and Rhode Island to come in ? No. They came of their own sovereign act and nothing can be found to prove that they surrendered the right to go out. Suppose South Carolina should withdraw, can force be exerted to elect her Senators and Representatives in Congress, or can the State be held a subjugated province ? Is power to be found in the Constitution to coerce or subjugate a State ? Each State maintains its government, collects its own taxes, supports its militia. Each State has the right to

demand the allegiance of its own citizens. I went to the North impressed with the belief that should Alabama, South Carolina or any Southern State be forced to withdraw, force would be used to compel her return. I am now satisfied the border Southern States will never permit a hostile army, marching on the cotton States, to pass over their territory. Our prosperity is equal to the prosperity of the North, notwithstanding Mr. Seward has canvassed the West decrying the South and its institutions. The North is devoted chiefly to manufactures and commerce by land and sea, and enterprise in these channels is protected from foreign competition by twenty-five per cent. import tax. The North would be the loser by the failure of the Union and its free trade with the South. England needs our cotton and must have it. Our treaties would protect our slaves, where the power of the Constitution is in vain appealed to. [‘Hurrah for Dug,’ from the crowd.] My friend, hurrahs such as yours in this hour of our country’s danger are senseless. In traveling through the North I was impressed with the unity of purpose, the singleness of motive and, consequently, the success of the people. These things make the North haughty, daring and arrogant.

\* \* I traveled through New York and the Bell men were working faithfully for the Union (fusion) ticket, while the Douglas men stood by with folded arms. Although I used all my influence to favor the Union (fusion) ticket and to carry it for Douglas, if it would defeat Lincoln, yet the Douglas papers flung Parthian after me, denouncing me with grossest calumny. \* \* We cannot resist the inauguration of Lincoln, conducted according to the forms of law. It is said we ought to ‘resist,’ as the phrase goes. But let me say, it is a wrong phrase. If, therefore, the phrase to ‘resist’ means resistance to the inauguration of a President, conducted according to law, I repeat, it would be wrong. It would be rebellion and treason. The phrase has done a great deal of harm, while it has, probably, not expressed the meaning of those who use it. But there remains the right of self-preservation. This does not involve the right to injure others. It is the right to save ourselves from despotism and destruction — the right to withdraw ourselves from a government which endeavors to crush us. It is the right, expressed in the Declaration of

Independence, to do this thing, whenever the government under which we live becomes oppressive, and erect a new government which may promise to preserve our liberties."

A committee of the people of Mobile, lead by Mr. Percy Walker, arrived at New Orleans to escort Mr. Yancey to their city. Taking a steamer, over Lake Ponchartrain, the party arrived at Mobile at breakfast hour. A great throng met the boat at its wharf. A committee of the municipality met the distinguished guest there with an open coach, drawn by six white horses. As the company proceeded to the Battle House the people on sidewalks and from house tops greeted him with acclamations of welcome. At the hotel the mayor, Jones M. Withers, received him with a formal speech, abounding with patriotic sentiments. Thousands of strangers came to participate in the occasion. All the morning the apartments of the orator were filled with ladies and gentlemen paying their respects. At twilight the streets were alive with the organized companies repairing to a common rendezvous. With music and transparencies, bearing patriotic inscriptions, the procession, after marching through the principal streets, halted in front of the Battle House, where the orator took the position assigned to him, and was escorted to the meeting assembled on the widest of the thoroughfares, Government street. A platform, one hundred feet long and very deep, had been erected for the use of the ladies, by their special request. The speech was more than two hours long. By universal consent, the demonstration was confessed to have been the most imposing ever witnessed in the city.

At noon, on Monday, November 5, Mr. Yancey arrived at Montgomery. He repaired immediately to his residence. Judge Douglas was speaking in the city then, and would leave on a steamer for Mobile the evening of the same day. A large crowd of people attended the Illinois orator to the river landing, and while he stood on the passenger deck, with his wife by his side, and many others, observing the people upon the shore, the deck suddenly sank, precipitating the whole company in confusion, but with no serious results, in its fall.

At dusk the people began to assemble at the Artesian Basin, in the centre of the city. Messrs. Culp, Gaston, Phelan, Cheney and others were of a Committee of Arrangements.

Captain Boyle was Chief Marshal, assisted by J. T. Holtzclaw, Martin, Dillard and others. The constant firing of cannon and the strains of music proceeded while the procession formed. At length the column moved, bearing many transparencies, upon some of which were expressions taken from Yancey's speeches, proceeding up Perry street to his residence. A special committee there waited on him and conducted him to an open carriage, drawn by four white horses, while the people greeted him with most enthusiastic and prolonged cheering. By circuitous route the procession marched, receiving the acclamations of the people on every side. At the corner of Perry and Market streets the procession opened ranks and Mr. Yancey's carriage drove through a wall of excited and most demonstrative men. Already the large new theatre was packed with ladies and gentlemen. At least two thousand five hundred persons were left without about the doors. By request of the ladies, they had been permitted to decorate the stage, so that it was transformed into a gorgeous bower. Upon the stage sat the Justices of the Supreme Court, the Mayor, some grey-haired friends of the orator, Mr. Peachy Gilmer, Dr. Wilson, Dr. James Taylor among them, and the Breckenridge and Lane Club. On the appearance of Mr. Yancey the audience rose, the ladies throwing gay bouquets "until the floor about him was literally carpeted in their prodigality, while the men vied with each other in vociferous demonstrations." No sooner did the excitement lull than a gentleman stepped on the stage, calling: "*Three cheers for the greatest orator of the world.*" A fresh outbreak of enthusiasm prolonged the wonderful scene. Without, at the "bank corner," Sanford, Chilton, Judge, and the eloquent Gresham spoke, while the cannon at the basin continued to fire and the overlooking balconies and windows were crowded with ladies waving their handkerchiefs.

The friends of Mr. Yancey were quick to perceive an unwonted languor of delivery at the theatre. None had ever seen him with the demeanor of weariness about him until now. The speech was not a failure, but it was not lighted with Yancey's familiar genius. None suspected that the seeds of a fatal malady had been planted in his system and that his career was nearly spent.

A nation's unparalleled ovations to a private citizen, offering nothing to the people save his advice in troublous times, thus closed. Whether the fourteen years of Mr. Yancey's unofficial activity in politics was, in effect, a precipitation of avoidable sectional collision, or was, so far as it had any effect, the only available policy of avoidance of sectional collision, is a question of evidence. There was never a time when any appreciable part of the Southern people denied their attachment to the fundamental theories of government advocated by him. There was never a doubt in any part of the Union that all apologies for the politics he condemned, were apologies for centralization of the powers of government.

Mr. Yancey's political judges taunted him with inconsistency in accepting the policy of fusion of the enemies of the Republican party, at the North, in the autumn, which he had rejected, at Charleston, in the spring. His speeches at the North, upon which the criticism was based, were far less urgent for fusion there than they were earnest in warning the North of the resolution of the South. His mission there was undertaken in full faith that a separation of the sections was the probability of the situation; and, in honest anxiety to moderate the possible collision, he devoted there his labor. "A statesman (says Burke), not losing sight of principles, is to be governed by circumstances." Did the spring and the autumn, of 1860, contain the same circumstances? The fact of crisis in federal affairs is proven, (1) by the message of Mr. Breckenridge, approved by Mr. Bell, and borne to Mr. Douglas by Mr. Davis, proposing the retirement of the three candidates in order to allow the parties opposed to Lincoln to fuse, and rejected by Mr. Douglas on the assumption that his own following in the free States would, in that event, ally itself with Lincoln; (2) the election of Lincoln by a majority of the popular vote in the States which controlled the Electoral College. Yancey's philosophic interpretation of the conditions was contained in a few direct and simple utterances. At New Orleans he said:

"Discarding party, I favor that man on whom the South can unite to defeat Lincoln. As much as I would deprecate the election of either Bell or Douglas, I would hail either as far preferable to Lincoln, if for nothing more, to give the South



a moment of respite. Some think Douglas is in secret combination with Lincoln. I fear indeed that is the case. I wish to God it were not so. Yet if that fusion ticket should elect Douglas, let it be so; not for his sake, but for the little good it might do the country. The Bell papers throughout New York received me with respect and parted with me with cordiality: the Douglas papers received me with calumnies and parted with me with lies."

A full vote was brought out, for the number of candidates, each representing a phase of the question of the day, offered to every voter an inducement to express his will.

THE POPULAR VOTE.

LINCOLN.

Slave States, 26,436. Free States, 1,834,995.

Some votes for Republican electors were cast at the polls in Delaware, Maryland, Virginia, Kentucky and Missouri, but in no other slave State. Three-fifths of all so cast were cast in Missouri.

DOUGLAS.

Slave States, 163,526. Free States, 1,202,451.

The vote in Rhode Island, New York and New Jersey, originally favorable to Bell or Breckenridge, consented to fuse on Douglas. There were some Douglas men in South Carolina, but the Legislature of that State cast the electoral vote, and the popular vote does not appear.

BRECKENRIDGE.

Slave States, 672,871. Free States, 277,082.

The Breckenridge vote, credited to the free States came almost wholly from the Atlantic States, even as the record stands. There was a large vote in New York and New Jersey favorable to Breckenridge's election, which, being fused on Douglas, does not appear. The vote for Breckenridge, *in the free States west of the Alleghenies*, was about the vote Lincoln received in the slave States.

BELL.

Slave States, 524,973. Free States, 65,658.

The Southern Douglas and Bell vote, if accepted as a Union vote, shows there was a majority of 5,627 Unionists in the slave States, provided the Breckenridge votes be accounted



as by disunionists. Did the record show the voters friendly to Breckenridge, in New York and New Jersey, doubtless it would appear that quite one-third of the popular support elicited for the Southern side of the contention, by his candidature, came from the free States.

The aggregate of the votes cast in the slave States on the issues of the election was, 1,387,799. The aggregate in the free States was, 3,480,186.

The males, of voting age in eighteen free States were, *natives*, 5,387,980 ; *foreign born*, in the same States, 2,514,769.

#### THE ELECTORAL VOTE.

The Republican ticket received a majority of the popular vote, over the combined vote for the opposition tickets, in sixteen free States, and the same States had a majority of 17½ votes in the Electoral College. In addition, the Republican party carried California and Oregon by pluralities. Mr. Douglas asserted, as has been shown in his Norfolk speech, that Lincoln had no "showing" in any free State, save two, but, at that moment, every free State actually maintained a Republican party government of its own, and, voting for the Republican Presidential ticket, in November, it merely confirmed its political position. Mr. Douglas also asserted, in his Norfolk speech, that the "Breckenridge Democracy" had dissolved the party, whereas the election returns proved no State was safely Democratic save the Breckenridge States.

Missouri, of the slave States, and New Jersey, of the free States, alone cast their electoral votes for Douglas—the former by a very small plurality over Bell, the latter by a fusion with Bell and Breckenridge. Maryland, Virginia, Kentucky and Tennessee cast their electoral vote for Bell. All the other slave States voted for Breckenridge and all the other free States for Lincoln.

It is thus placed beyond dispute that, the rupture of the Democratic party in the campaign did not elect the Republican ticket, nor in any manner disturb the pre-existing causes which led to the success of that ticket. Lincoln gained, in 1860, the State of Pennsylvania, and success, as Fremont lost the same State, in 1856, insuring his defeat. The result of the election contained no apology for the Western men at

Charleston nor for their conduct in banishing the Alabama and Louisiana delegations at Baltimore.

The Breckenridge and Bell vote of the South, comprising seven-eighths of the vote cast in this section, was to maintain the theory laid down by the leader of the Bell men, Benjamin H. Hill, of Georgia, in 1860 :

*"Protection to the person and property of the citizen is the first duty of every government and it is the whole and sole power of the government of the United States."*

The Lincoln and Douglas vote of the North was cast in full sympathy with the counter proposition, announced by Mr Lincoln in a speech at Cincinnati, September, 1860 :

*"This government is expressly charged with the duty of providing for the general welfare. We believe the spreading and perpetuity of slavery impairs the general welfare. \* \* To repress this thing is, we believe, providing for the general welfare."*

Mr. Yancey was summoned to attend a meeting of citizens at Estelle Hall, Montgomery, the evening following Lincoln's election. Distinguished men of all parties were there, some from distant parts of the State. Anxiety, chagrin and determination sat on every face. Governor Moore spoke in fervid tones ; N. H. R. Dawson spoke most eloquently ; Pettus followed ; Clanton spoke bravely ; Watts said, " We (the Southern States) will go out together " ; Goldthwaite said, " We will act together ; " Yancey said :

" In the contingency that consultation shall not produce concert, what then ? Shall we, too, like the delaying States, linger in the portals of the government ? Shall we remain and all be slaves ? Shall we wait to bear our share of the common dishonor ? God forbid ! (Tremendous applause.) Let us act for ourselves. I have good reason to believe the action of any State will be peaceable, will not be resisted under the present or any probable future administration of public affairs. I believe there will not be power to direct a gun against a sovereign State. Certainly there will be no will to do so during the present administration.\* If the action of the State

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\* "Erring sisters go in peace" was the ordinary ejaculation of the free States press. The New York *Tribune* of November 9, 1860, said : " We hope never to live in a Union whereof one section is pinned to the residue by bayonets." November 16, the same paper said : " If the fifteen slave States, or even the eight cotton States

be resisted, bloodshed will appeal to blood throbbing in Southern hearts. Our brethren from every Southern State will flock to defend a sister State threatened by mercenary bayonets. To do one's duty is the highest aim in life :

" 'Tis not the whole of life to live,  
Nor all of death to die."

"(Tremendous applause.)"

"Better far to close our days by an act of duty, life's aims fulfilled, than to prolong them through the years weighed down with corroding remembrance that we tamely yielded to our love of ease, or our unworthy fears, that noble heritage which was transmitted to us through toil, sufferings, battle, victory, to go down, unimpaired, to our posterity. As for myself, rather than live on subject to a government which breaks the compact at will and places me in a position of inequality, of inferiority to the Northern free negro, though that life be illustrated with gilded chains, by luxury and ease, I would in the cause of my State gather around me some brave spirits who, however few in number, would find a grave which the world would recognize, my countrymen, as a modern Thermopylæ." "(Vehement and prolonged applause.)"

alone, shall quietly, decisively say to the rest, 'We prefer to be henceforward separated from you,' we shall insist that they be permitted to go in peace." November 30 the same paper said: "If the cotton States unite with South Carolina in seceding, we insist that they cannot be prevented and that the attempt must not be made." The New York *Herald* said, November 23: "Coercion, in any event, is out of the question. A Union held together by the bayonet is out of the question."

# THIRD DIVISION.

1861-1864.



## **CHAPTER 24.**

# **Secession of Alabama.**

1861.

Demosthenes appealed to the assembly of the whole people of Athens: "Philip has violated the treaty; he is in a state of hostility with you; unless you shall affirm that he who prepares to besiege a city is still at peace, until the walls be actually invested. The man whose designs, whose whole conduct tends to reduce me to subjection, that man is at war with me, though not a blow hath yet been given nor a sword drawn." Yancey had now entered upon a fresh plane of leadership. He had been speculative and persuasive; he had prompted and compelled; now he must lay the plans and point out the way for the vigorous pursuit of his policies. He had already put before the people of his State the fact of the invasive course of the Republican party, as the Athenian had put before the assembled power of his city the evidence of the conquering march of Philip. Before the progress of the Republican party, every Constitutional guarantee, coveted by the South, was swept away; along the advance of the Macedonian toward Athens, conquered cities alone remained.

An account of Mr. Yancey's oratory does not require an analytical exposition of the peaceful right of secession from a Confederacy of sovereign States, voluntarily formed for specific objects, because, as has already been said, he did not devote much argument to that aspect of his policies. He never left a suspicion, however faint, upon the minds of his hearers, of his

own firm reliance upon the abstract right of secession, but his public utterances were devoted to the evidences of approaching subjugation of the slave States by the free States and to appeals to the imperiled society to awaken to its duty of self-defense. In theory, no political reform was ever less revolutionary than the act of secession by the several States, who resorted to the policy, in 1860-61. When Pennsylvania appointed Deputies to the Continental Congress, of 1774, they were instructed to forget not "the sole and exclusive right of the people of this colony to regulate the internal government and police of the same." When Virginia, first of colonies in the movement, instructed her Deputies to the same Congress, in 1776, to vote for Independence, she attached the protocol: "*Provided*, That the power of forming government for and regulations for the internal concerns of the colony be left to respective colonial Legislatures." It is instructive to remember, furthermore, that these and many other evidences exist to prove that the theory of federation of sovereign States, under written compact, was not "struck off at a given time." It is quite certain that the delegates to the Convention, of 1787, "struck off" an instrument, not so much in accord with their individual preconceptions of an organic law, for a nation, as in concession to their appreciation of the will of their several States. There is abundant evidence that, could they have hoped for success at home, they would have created less of a Union and more of an Empire. The Convention, having been called at the instance of Virginia, the leaders of the movement in Virginia, being delegates, felt the obligation resting on them to lay the foundation of its work at the outset. Accordingly, as the result of numerous suggestions made by General Washington, Mr. Madison wrote, in advance, what is known as the Virginia "plan," offered to the Convention by the eloquent Edmund Randolph. This plan was substantially founded on the declaration of Washington when laying down his sword, at Annapolis, four years before, that he would devote the remainder of his life to assist the people to establish the Confederacy, which he did not believe could be maintained. Hamilton, avowedly in favor of a limited monarchy, introduced a "plan," following the failure of the Virginia plan to pass. These two plans, advanced by the men of greatest weight in.







the Convention, were supported by the men of widest reputation, notably by Wilson, of Pennsylvania, and Charles Cotesworth Pinckney, of South Carolina.\* The plans of Virginia and of Hamilton, and the debates in the Convention, on the various motions made, show that a sincere attachment to the centralized theory of government prevailed among individual members, and was restrained from expression, in the Constitution, only by a well grounded fear that, rejection by the separate States would be the fate of the organism, founded on that theory. Among many examples of motions, of a correlated character, one came from Mr. Charles Pinckney, from South Carolina, the correspondent of Jefferson and the most advanced of the Southern advocates of a federal system, in contradistinction to a national or centralized system. Mr. Pinckney argued that Congress should have the power of veto over State legislation. Mr. Madison supported Mr. Pinckney's motion; Mr. Pierce Butler moved that the State judiciary should exist only as inferior tribunals of a federal judiciary, and Mr. Butler, too, was of the Southern federal, or anti-national school. The Eastern delegates were consistent and resolute opponents of centralization. Nor had the leading men of the East looked without suspicion upon the Convention and the motive of Virginia in demanding it. Several years before, when the Legislature of Massachusetts, annoyed by the inefficiency of the commercial regulations of the several States, requested its Deputies in the Congress to demand a Convention of all the States to revise the commercial powers of the Confederation, the Deputies returned the letter of instructions, refusing to obey, and alleging, for cause, that "the Southern aristocracy would ask for no better opportunity to destroy the States and erect an empire than a Convention of States."

The two plans for a strong national government having failed, in convention, Mr. Hamilton, Mr. Jay and Mr. Madison, fearing the refusal of the States to accept the Seven Articles, wrote, in concert of understanding, the exhaustive letters to the people known, in their collected form, as "The Federalist." The name of the volume was intended to explain the character

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\* A confidential correspondence between Gouverneur Morris, a member of the Convention, and General Nathaniel Greene, published by Sparks, quotes Morris as saying: "I have no hope that our Union can subsist, except in the form of an absolute monarchy."

of the letters — federal in argument, rather than national. They were written, not to vindicate the preference of the authors for a federal form of government, but to explain truthfully and to advise the people to accept the federal form the Convention had framed. Hamilton wrote the introduction, recommending the Constitution, among other reasons, because of “its analogy to your own State Constitution ; and, lastly, because of the additional security which its adoption will afford to the preservation of that species of government,” etc. But the States yet remained jealous of their autonomy. By a majority of one only, after three days debate, did the South Carolina Legislature consent to call a ratifying Convention. Rawlins Lowndes, one of the three colonial Justices of the Court of Oyer and Terminer, declared in the Convention that he asked for but one epitaph on his tomb, and that was: “Here lies a man who voted against the Constitution of the United States.” Protocols were attached to the Ordinance of ratification, among others, declaring, in substance, the necessity of “an alteration” of the Constitution, to conform to the Ninth and Tenth amendments finally adopted ; also, that the “rights of prescribing the manner, time and place of holding elections to the federal Legislature should be forever inseparably annexed to the sovereignty of the several States.” The hesitancy of Pennsylvania was protracted and earnest. Not until Judge Wilson, a pronounced nationalist, who sat in the Philadelphia Convention, had succeeded in persuading the State Convention to hope that “instead of placing the State governments in jeopardy, this federal system is founded on their existence,” did the latter body consent to an Ordinance of ratification. Massachusetts hesitated and argued with greatest anxiety. She ratified at last “a compact,” demanding “the following alterations,” all founded upon the principles contained in the Ninth and Tenth amendments. The Virginia Convention, 168 delegates, Washington, Marshall, Madison, Lee, Henry, Mason, Wythe, Randolph, indeed, all of the great men of the State, deliberated three weeks and consented, by a majority of ten, to ratify, attaching protocols to the Ordinance demanding alterations ; and even then, on the demand of Patrick Henry, laying down the proposition that the powers granted, being derived from the people, “may be resumed by them whensoever the

same shall be perverted to their injury or oppression." New York deliberated long and anxiously, and finally attached to its Ordinance of ratification, protocols demanding alterations ; and repeated, in effect, the proposition of Virginia, that "the powers of government may be re-assumed by the people whensoever it shall become necessary to their happiness." The thirteenth State in order of ratification, Rhode Island, consenting only after the government, under the Constitution, had gone into operation, attached eighteen protocols to her Ordinance, one of which declared : "That the powers of government may be resumed by the people whensoever it shall become necessary to their happiness ; \* \* and that those clauses in the Constitution which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said Constitution," etc.

"A so-called Republican" had been elected to the Presidency ; and this was the provocation which the Legislature, with a practically unanimous vote, had determined should place upon Governor Moore the duty of calling a sovereign Convention of Alabama, in forty days after the fact. But how was the Governor to know of the election ? That the Governor understood the calling of a Convention meant secession—that the act of the Legislature requiring him to call it meant secession—there could be small room for doubt. The Governor had cheerfully approved the act and had declared his concurrence in the policy of secession. Yet the Secessionists were anxious. Unionists suddenly cropped out everywhere. Would Governor Moore decide that a "so-called Republican" had been elected to the Presidency when the electors were chosen, in November ? Or would he decide that the actual casting of the vote of the electors in College, in December, would alone elect a President ? Or would he decide that the counting of the votes of the College, by the vice-President, in February, alone would give that validity to the election which the act of the Alabama Legislature contemplated ? A meeting of prominent Secessionists promptly assembled at Montgomery to consider the duty of the Governor, under the authority vested in him. Pettus, Dawson, Phelan, Gilchrist, Clarke, Watts, Clayton, Yancey and many others attended. Lead by

John A. Elmore, a Committee of Twenty-one was appointed to wait on the Governor to ascertain his purposes. Saturday, November 12, was the day the call was made, and the Governor's answer was promised the following Monday. The answer came, promising that the Proclamation summoning a sovereign Convention of the People would be issued two days after the vote of the electors in College had been cast, should it be ascertained a "so-called Republican" had received the majority. The secession campaign opened with the Montgomery meeting. The Governor issued his Proclamation, December 7, calling on the counties to elect delegates on December 24, to assemble January 7, in the hall of the House of Representatives. A canvass of two weeks might have been extended to one of three weeks, to have brought the election for delegates and the meeting of the Convention, within the limit of forty days prescribed by the act of the Legislature, even upon the Governor's interpretation of the time at which the "so-called Republican" had been chosen President.

The campaign, of 1860, for President, had planted a dominating Union sentiment in the free States and had awakened in the slave States a wide spread belief in the indissoluble nature of the Union. Public appreciation of the effects of the campaign or, at least, of the revelations of the Union sentiment, as a result of the campaign, was very marked in Alabama. The superb eulogies of Mr. Yancey, wherever he had spoken, South or North, upon a Constitutional Union, were grateful to the people, even to minds most appreciative of his notes of warning of approaching, yet, possibly, remote danger to our beautiful and complex form of government. There was, doubtless, no alternative for the orator. In 1851 he had made the issue direct, and had failed. Then he had said: "What folly to cover up—to try to conceal—this mighty issue. Whoever attempts to crush it will himself be crushed by the march of events. It is time to avow what you mean by resistance." Now, Mr. Robert Jemison, under whose lead the Legislature, only ten months before, passed resolutions declaring the Charleston Convention should be disrupted under the very conditions which had effected its disruption; and had passed an act to be construed only as

summoning a secession convention, was a candidate for a seat in the Convention as an unconditional Unionist.

The Unionists of Alabama entered the brief campaign for delegates to the Convention, substantially, on the following propositions: The day of small governments has passed: Disintegration of social forces is counter to the spirit of the times: If secession succeeds, the road to success will require the sacrifice of slavery: If secession fails, anarchy will follow.

Replying, inversely, to these propositions, the Secessionists said: Revolution is accomplished in the election of the candidate of a revolutionary party: If slavery is to be abolished, the property of the country, the lives of the women and children, require that emancipation shall be executed by the masters: Secession is not disintegration, empire is disintegration: Secession preserves the atom, the unit, the State, and when the State remains free and prosperous and happy, in the nature of things, it will seek Union, and disintegration becomes possible only when sovereign States have been consolidated into an empire destined to be broken into fragments by the contention of forces generated within itself: Secession does not contemplate numerous small governments, but one powerful Confederacy, whose wealth, already attained, and whose undeveloped resources surpass, in present value and in promise, the possessions of any one of the greatest nations of modern times.

Considering the meaning of the November elections of President and members of Congress, the two parties, in Alabama, drew opposite conclusions from them. The Unionists argued that General Taylor, when elected President, entertained the same views on slavery and State Rights that Mr. Lincoln was known to entertain, and that the vice-President, Mr. Fillmore, was an avowed Abolitionist who succeeded to the office of Chief Executive and held it for three years, yet at the next election, General Pierce, a State Rights Democrat, favorable to every asserted right of the South, in the Union, had been chosen by a Northern vote so large that the vote of the South was not necessary to effect the result. The Unionists recurred, with hope, to the fact, that, in the House of Representatives, coming into power with Mr. Lincoln, there would be a majority of thirty against the Administration.

There could be no objection to the tariff laws, from the Southern standpoint, for they were below the revenue standard. The Unionists would wait to see what these things, that had occurred, really meant.

The Secessionists replied, inversely, that the Republican party was pledged to repeal the low tariff laws and to establish an unconstitutional system of protection to the sectional industries; that the alleged majority of thirty, or any other, in the House, was a Northern majority, opposed to Southern rights, whether chosen on the platform upon which Mr. Lincoln had come into office or upon the platform of Mr. Douglas; and, moreover, that in every instance where a majority in the House had appeared, since 1846, friendly to the Constitutional rights of the South, it had been swept away by the revenge of the Northern voters at the next ensuing election; that Mr. Lincoln was a Whig, the sympathizer of Mr. Seward, the originator of the doctrine of the irrepressible conflict of the social systems of the sections and the supporter of the "higher law" theory, as contradistinguished from the obligatory nature of the compromises of the sections, and that, as President, he would control Congress, if necessary to the supremacy of his party, in legislation hostile to the South; that the support given to General Pierce, by the free States, not applying, logically, as the Unionists now applied it, had been followed, nevertheless, by a vote for Fremont almost great enough to elect him, at the next opportunity—a vote now brought to its logical completion in the election of Lincoln. The Secessionists argued that, history supported their announcement of revolution actually accomplished. History vindicated secession. History repeated itself. Free and independent States fell, one after another, before the march of Philip. Yet there were favorite orators at Athens, who assured the people there was no danger. In this condition of feebleness of public opinion, Demosthenes began the delivery to the convention of the citizens of Athens, which made their laws, those immortal orations appealing to reason and love of glory, by which Athens was aroused to resist, even if too late, the crafty policy of the Macedonian king. "It is only our conduct toward Philip, not Philip's conduct toward us (he said) that is to be termed a peace; and this

is the peace which leaves him the liberty to carry on war against you while you make no war against him. \* \* He would, indeed, be the absurdest of mankind if, while you suffer his outrages to pass unnoticed and are wholly engaged in accusing and prosecuting one another, he should, by declaring war, put an end to your private contests and warn you to direct all your zeal against him."

The polls, for the Convention, were opened in inclement weather, in the Christmas holidays. The vote cast was not heavy — 25,000, perhaps, less than the hot campaign of the months before had brought out. The full number of delegates, one hundred, were chosen. Fifty-four per cent. of the whole vote, cast in November, had been for Breckenridge and, singular enough, fifty-four of the delegates chosen were found to be Secessionists. Yancey and Watts were elected by Montgomery county.

The hotels, at Montgomery, were filled a day or two before the time fixed for the opening of the Convention. It soon appeared that the forty-six delegates, not classed as Secessionists, were nearly equally divided between Co-operationists, or those favoring a conference of the slave States, before decisive action by Alabama, and unconditional Unionists. The two factions, of the opposition, met on Sunday in joint caucus, in the hotel, uncertain whether their strength was sufficient to control the organization of the Convention or not. The caucus count of heads exposed the minority of eight in their ranks. Seeing how strong they were, one of the Unionists exclaimed: "Mr. Yancey can save the Union by the wave of his hand."

While the delegates were *en route* they heard of the capture of the United States forts, Morgan and Gaines, and the Mount Vernon arsenal, all on Alabama soil, by Governor Moore for the State. They heard, too, that Associate Justice John A. Campbell, of the federal Supreme Court, privately denounced the Governor's act as treason, declaring he should be arrested. General W. O. Butler, of Mobile, even in advance of the Governor's orders, acted an important part in the capture of the forts.

The Convention was called to order in greatest solemnity. The galleries and lobbies were crowded with gentlemen and ladies. Mr. Yancey rose, immediately, to move that, on that



day, and each day thereafter, the session of the body should be opened with prayer, and that Rev. Dr. Basil Manly, former President of the University of the State, be invited to perform the office for that occasion. Among the special petitions of Dr. Manly's prayer was: "Lord of all the families of the earth, we appeal to Thee to protect us in the land Thou hast given us, the institutions Thou hast established, the rights Thou hast bestowed."

The counties being called, for enrollment of the names of delegates, at the call, "Montgomery," Messrs. Yancey and Watts advanced to the Secretary's desk, arm in arm. Loud applause rang out, from all parts of the floor and galleries. Mr. John T. Morgan, a delegate from Dallas, rose to protest. The demonstration was untimely. It detracted from the solemnity of the occasion. It must impress delegates unfavorably, who were anxious for the utmost harmony. A delegate replied, that the demonstration of feeling was just and proper for the occasion. Two distinguished leaders of the people, lately opposed to each other, were now reconciled upon a single course. When Alabama could behold two such men, hand in hand, swear to defend her honor, the whole State and the whole world might well consent to applaud. This was the first of those severe jars between the most eloquent Secessionists of the body — Yancey and Morgan — which, as the sessions advanced, became a feature of its deliberations.

William M. Brooks, of Perry, Secessionist, a distinguished lawyer, a graduate of the South Carolina College, was chosen President of the Convention, over Robert Jemison, Unionist, a gentleman, as I have already said, of extraordinary ability in politics and in practical enterprises.

The chair appointed a Committee on Ordinance, thirteen members, with Yancey chairman, six Co-operationists and Unionists and seven Secessionists. A. A. Coleman, of Sumter, a graduate of Yale, and one of the ablest of the Judiciary officers of the State, took rank next after the chairman among the Secessionists of the Committee; Jere Clemens, of Madison, an ex-Senator, an author and brilliant orator, lead the opposition in committee.

Mr. Yancey entered the Convention with a perfect appreciation of what was expected of him by friend and foe. He

knew the strength of the Co-operationists and knew what "co-operation" meant, with some individuals of the faction, and what it meant with others. He did not forget that "a trial of the strength of the militia with the king's troops" had been advised, before declaring Independence, by some good men in Congress, and that some had voted against the Declaration. He resolved to draw the line, wide, between Secessionists and Co-operationists, at the outset, well convinced that a vigorous pursuit of this policy would ultimately draw from the Co-operationists a considerable number who were, at heart, Secessionists.

Debate was quickly opened by a resolution from a delegate from Calhoun County, pledging Alabama "not to submit or be a party to the inauguration of Abraham Lincoln as President and Hannibal Hamlin as vice-President of the United States of America." The mover explained his object to be, "to ascertain definitely the sense of the Convention on submission or resistance." The more pronounced Co-operationists protested there were no "submissionists" in their ranks, but they would not be driven into a net. Mr. Jere Clemens spoke earnestly against the resolution. He was no believer in peaceable secession. No liquid, but blood, had ever filled the baptismal font of nations. Whoever believed a new nation could be born without an appeal to the god of battles knew little of the springs of human nature. Yancey spoke for the resolution, and endorsed the avowed object of the mover. All who could not vote against submission "could have no feeling or principle in common with him"; all who were ready to vote for resistance "would be to him friends." The resolution, with an immaterial amendment, was passed, unanimously, at another and near day.

On the second day, the Commissioner of South Carolina, Andrew P. Calhoun, was introduced to the Convention and delivered his message. A reorganization of the federal Union, he said, was the desire of his State, which he had been authorized to convey to Alabama. The unparalleled mineral and agricultural resources of Alabama needed only the encouragement of a Constitutional Union of congenial sister States, to elevate her, in their common prosperity, to a commanding position in the Confederacy. Among the first acts of the

Convention was the commissioning of gentlemen, of the highest character, to each of the slave States to invite their co-operation in a Southern movement of resistance to the usurpations of the Republican party. Intense excitement prevailed on the floor and in the lobbies. Telegraphic messages from Alabama members of Congress to the Convention, or to the Governor or to prominent delegates, were received at all hours, indicating the course of the government and the opinions of eminent men at the national capital. The Commissioners to the several States were watched with greatest anxiety and the tone of their dispatches increased the confidence of the Secessionists. Arthur F. Hopkins and his co-Commissioner, F. M. Gilmer, to Virginia, reported Virginia, through her Legislature, had declared no army, bent on Southern subjugation, should pass over her soil. "Go out promptly and all will be well," closed the message of these Commissioners. The Governor, in advance of the action of the Convention, requested the banks to suspend specie payments, holding their coin for any possible emergency of the State. He ordered the Cadet Corps of the University, under Commandant Caleb Huse, to appear at the capital, in full uniform, to parade before the Convention, persuaded that the whole white male population of the State might be turned into an army, the moment trained officers could be found to command them.

Following the example of the Alabama Governor, Governor Perry, of Florida, ordered the forts of the United States, in the vicinity of Pensacola, to be seized by State troops, before the Florida act of secession had been consummated. To sustain his orders, Governor Perry called on Governor Moore for troops. Mr. Yancey moved, in Convention, that five hundred volunteers be placed under the orders of the Governor of Florida and that \$10,000 be appropriated to defray the necessary expenses of the force. Mr. Clemens resisted the motion, as he knew of no necessity for an armed expedition from Alabama to Florida. The Secessionists voted yea and the Co-operationists and Unionists nay, so the troops were sent. The ranks were instantly filled with the flower of the population. James L. Pugh, Representative in Congress, E. C. Bullock, State Senator, Henry D. Clayton, later President of the University,

of Alabama, took their places, with muskets on their shoulders, in the force which marched to Pensacola.

On the third day, the Committee on Ordinance not having reported, a resolution was offered in Convention to submit the final action of the Convention to the vote of the people. The Secessionists voted the motion down. Messrs. Yancey and Morgan opposed it, on the ground that the "people" of Alabama were then assembled in Convention; that the question of secession had been determined by the election of delegates; that a heated canvass of the State would divide and distract the public mind, with no good result. Resolutions were passed in quick succession confirming the act of Governor Moore, in seizing the federal property, and pledging the State to defend its volunteer soldiery against any proceeding of the United States government. Mr. Coleman introduced a resolution committing Alabama to resist any attempt of the United States to coerce a seceding sister State. This last motion brought out an extremely acrimonious debate. The more resolute Co-operationists saw, in the whole series of motions offered by their opponents, the skillful plan for forcing demoralization of their ranks. Mr. Ernest, of Jefferson, was quite willing to support the conduct of the Governor in seizing the forts, but he would go no farther; he considered the motion to commit Alabama to resist the federal authority, beyond the limits of Alabama, an attempt to commit the State to treason. Mr. Morgan declared the motion before the Convention not debatable, so imperative did the duty devolve on the State to adopt it. When Alabama entered the Union, Congress accepted her Constitution, declaring all power inherent in the people—"that they have, at all times, an inalienable and indefeasible right to alter, reform or abolish their form of government in such manner as they may think expedient." In the Union, or out of the Union, Alabama must accept war against South Carolina as war against her. Her people, south of the mountains awaited secession with anxiety; her people north of the mountains, were united not to submit. He would wait a month to reconcile these currents of conflicting opinion, but he would pass the resolution as notice to a common enemy that Alabama was not deceived. Mr. Dowdell read a dispatch announcing that the United States steamer Harriet Lane,

attempting to provision Fort Sumter, had been fired upon by South Carolina batteries and forced to retire. Messrs. Jemison and W. R. Smith entered the debate. They regretted to see the disposition of the majority to force the minority. They would acknowledge the appeal to the hearts of the Convention in the motion before it, but the judgment should resist it. Mr. Smith said a delay of a day was asked for and was about to be refused. It would do little to exalt the pride or comfort the feelings of South Carolina to know that a small majority of the Convention had pledged Alabama to her support. It would be rather an insult; the apple of gold without was, indeed, ashes to the core. He believed firmly that this majority which bound the Convention represented only a minority of the people of the State.

Mr. Yancey rose, his countenance showing the utmost animation. He spoke for thirty minutes in most vehement invective. The issue presented by Mr. Coleman's resolution was not to be disguised by soft words. Alabama would secede. A majority of one in the Convention was sufficient to express the fullness of the power and the majesty of the sovereign State. Henceforward, the people would know no majority and no minority. State sovereignty would be the recognized unit. Whoever opposed the State must throw off the garb of citizenship. There was a law of treason that defined treason against Alabama. Whoever opposed the State were traitors, rebels against constituted authority, should be considered accordingly and treated according to their deserts. There were Tories in the old revolution and, although the Tories of to-day might find aiders and abettors in the Abolitionists, the God of Battles and of Liberty would give Alabama the victory over the unnatural alliance. The Convention was thrown into an alarming excitement; the members gathered in coteries and business was, for the moment, suspended. Mr. Watts rose. His feelings were deeply moved, for many of the delegates upon whose heads his colleague had poured out a terrible wrath, had been his political and personal supporters and friends. "I regret extremely (he said) the tone of the speech that has just been made by my colleague, Mr. Yancey. This is no time for the exhibition of feeling or for the utterance of denunciation." Mr. Jemison followed: "Sir, when the great

leader of the majority calls the minority Tories, denounces us as traitors and pronounces upon us the doom of traitors, were I to pass it in silence the world, properly, would consider me worthy of the title and the doom." Mr. Yancey said he had referred to the unfounded allegation of Mr. Smith that the majority of the Convention represented a minority of the people and had argued that resistance to the Ordinances of the Convention would be treason. Mr. Nich Davis replied at length to Mr. Yancey. If the majority of the people were found to be opposed to secession, an Ordinance taking Alabama out of the Union "will be and ought to be resisted." For the time, Mr. Coleman's resolution was passed over and the excited body resumed its customary habits.

Mr. Watts' mortification was in the opportunity of Mr. Yancey. The speech was not an ebullition of meaningless temper. More than one-fourth of the delegates were avowed Co-operationists. It was to them Mr. Yancey specially addressed his invective. Mr. Coleman's resolution applied to States, only, which might desire the co-operation of Alabama as against other States. If Co-operationists were sincere, if they were not masquerading behind a name, the resolution of Mr. Coleman adapted itself to their position in the Convention. The speech was of Yancey's method of leadership, unchanging for fourteen years; it was "logic on fire," addressed in the present instance to a select and limited body of men, three-fourths of whom confessed the necessity of action, immediate or remote, positive or negative, while quite one-fourth were disposed to linger on the perilous verge of public exigency. The speech was, doubtless, the more vehement, because Yancey felt his influence in the Convention impinge against Morgan's influence. The methods of the two potential men, whose aim was one, were at variance.

South Carolina passed an Ordinance, on December 20, 1860, in a few sentences, revoking the Ordinance, of May 23, 1788, ratifying the Constitution and consenting to the Union. January 9, 1861, Mississippi passed an Ordinance resuming her sovereignty, and the day following Florida passed a similar Ordinance.

On Thursday, January 10, the fourth day of the Alabama Convention, the Committee on Ordinance, through its chairman, Mr. Yancey, reported:

**"AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF ALABAMA AND OTHER STATES UNITED UNDER THE COMPACT STYLED : THE CONSTITUTION FOR THE UNITED STATES OF AMERICA :**

**" WHEREAS, The election of Abraham Lincoln and Hannibal Hamlin to the offices of President and vice-President of the United States of America by a sectional party avowedly hostile to the domestic institutions, and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security ; *therefore***

**" SECTION 1. BE IT DECLARED AND ORDAINED BY THE PEOPLE OF THE STATE OF ALABAMA IN CONVENTION ASSEMBLED, That the State of Alabama now withdraws and is hereby withdrawn from the Union known as the United States of America and henceforth ceases to be one of said United States, and is and of a right ought to be a Sovereign and Independent State.**

**" SEC. 2. BE IT FURTHER DECLARED AND ORDAINED BY THE PEOPLE OF THE STATE OF ALABAMA IN CONVENTION ASSEMBLED, That all powers over the Territory of said State and over the people thereof heretofore delegated to the Government of the United States of America be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the State of Alabama.**

**" SEC. 3. BE IT RESOLVED BY THE PEOPLE OF ALABAMA IN CONVENTION ASSEMBLED, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Texas, Arkansas, Missouri, Tennessee and Kentucky be and are hereby invited to meet the people of the State of Alabama by their Delegates in Convention on the Fourth day of February A. D. 1861, at the city of Montgomery in the State of Alabama, for the purpose consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.**



"AND BE IT FURTHER RESOLVED, That the President of this Convention be and is hereby instructed to transmit forthwith a copy of the foregoing Preamble and Ordinance and Resolutions to the Governors of the several States named in said Resolutions:

"Done by the People of the State of Alabama in Convention assembled, at Montgomery, on this the Eleventh Day of January, A. D., 1861."

A minority report was offered, signed by Messrs. Jere Clemens, David P. Lewis, William O. Winston, A. Kimball, R. S. Watkins and Robert Jemison, inviting all the States named in the majority report to meet, February 22, of the same year, at Nashville, "for the purpose of taking into consideration the wrongs of which we have cause to complain, the appropriate remedy thereof and the time and manner of its application." To the minority report was appended a lengthy memorandum of instructions to the Alabama delegates to the proposed Nashville Convention. The instructions were substantially a synopsis of the Nebraska-Kansas Act, of 1854, and the platform of the Breckenridge and Lane campaign, of 1860, to all of which was added the pledge, "and, in the meantime, we will resist by all means at our command any attempt on the part of the General Government to coerce a seceding State." A protocol was attached demanding that any Ordinance of secession passed by the Convention should be submitted to the people for ratification.

While the Convention deliberated on the two reports, the Governor sent a message to it reciting that he had received by telegraph, through the Governor of New York, a resolution passed, on that day, by the Legislature pledging the federal authorities aid, in "men and money," to subdue a seceding State. Mr. Yancey moved the question of reception on the telegram, and moved to lay that motion on the table. The motion to table prevailed.

The minority report was rejected. Mr. Clemens moved to amend the majority report so as to forbid the Ordinance to "go into effect before the Fourth day of March, 1861, and not then, unless the same shall have been ratified and confirmed by a direct vote of the people." Messrs. Yancey and Morgan discussed Mr. Clemens' amendment, opposing it as unjust to



the people. The amendment was voted down, 62 to 37. Those who supported the amendment were at heart, as to the most of them, opposed to any action at all on the part of the Convention. They comprised almost the exact per centage of the Convention that the vote for Bell and Everett, in November, comprised of the total vote of the State cast for President. It was now January 11. The majority report was put upon its passage. Sixty-one, including the President, voted, yea: Thirty-nine voted, nay.

The scene was very impressive and solemn, as the Convention, in secret session, was about to poll the vote. The utmost unanimity of opinion had been developed against the right of the federal government to suppress secession by force. Messrs. Jemison, Davis, Bulger, Sheffield, Watkins, W. R. Smith and other Whigs and Unionists rose and with dignity and deep feeling declared their purpose to urge their constituents to a faithful allegiance to the State. Mr. William O. Winston had opposed secession, but, seeing the will of the Convention manifest, he had written to his son, a cadet at West Point, to resign and repair immediately to Alabama to offer his sword in the conflict, which must be inevitable. His remarks deeply moved the delegates. By common consent, Mr. Yancey closed the desultory discussion, before the call of the roll. He said different sections of the Ordinance about to be adopted, had a different history, which it would be well to repeat, to show the harmony which had marked the deliberations of the Committee. The majority "decidedly preferred" a simple Ordinance of a few sentences, declaring the State, by its own act, resumed its original sovereignty.\* But "his friend, Mr. Clemens," on the part of the minority, desired to prefix to the Ordinance a Preamble and to follow it with certain Resolutions. The majority, therefore, "yielded their own cherished desire," which had been to present the solemn act of the Convention free from all suspicion of apology. As the result of the harmonious agreement of the Committee, incorporating both the Preamble and Resolutions, all parties would be prepared to accept the Ordinance. The friends of the remedy of separate State action and the Co-operationists

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\*The Ordinance preferred by the majority of the Committee was drawn by Judge A. A. Coleman, one of its members.

alike would now find Alabama pledged, not to remain an independent sovereign — a monarchy, as some had feared — but to seek a restoration of Union with sister States, prepared by like institutions and sentiments of the people, to live in peace and prosperity together. He desired to say farther, in regard to the defeated proposition to refer the Ordinance of Secession back to the people for ratification, that, in his opinion, the suggestion to refer was based on a misconception of the relation of the Convention to the State. No powers were reserved in the people, when the Convention met for business. The Legislature might justly be expected to submit certain of its acts to the people before declaring them law, but the Legislature was not sovereign. The suggestion of popular ratification was based on a mistaken view, too, of an enlightened and firm system of government. The original thirteen States, by their respective Conventions, had dissolved the old “Confederation and Perpetual Union,” and formed a “more perfect Union” without the consent of the popular vote to their Ordinances. It had been urged “by a venerable delegate” that the minority of the Convention, opposed to the policy of secession, should not be pressed to sign the Ordinance. He would beseech delegates to remember the claims of Alabama. Absence of signatures would be understood by the members of the Convention, who had just heard the patriotic utterances of those who proposed not to sign. But the dignity, strength and unity of the State should command the careful consideration of delegates. The light in which its enemies would view its act on this momentous occasion was a just subject of anxiety to every patriot within its bounds. The eyes of the world should now behold Alabama united, with the pledge of all its people to live for or die for the State.

The roll was now called. By common consent, as Mr. Clemens’ name was reached, he rose delivering a brief but beautiful and animated address, closing with the exclamation: “*I vote in the affirmative!*”

Across the rotunda, from the hall where sat the Convention, in the Senate Chamber, while the Ordinance was upon its passage, a highly excited meeting of citizens — ladies and gentlemen — were entertained by distinguished speakers. So loud was the uproar that the delegates were in easy hearing of

it. With the close of the proceedings on the Ordinance of Secession the doors of the hall of the Convention were thrown open. Instantly the throng from the corridors and porches, and the crowd from the Senate Chamber, rushed in, cannon planted on the grounds belched forth, the cheering became indescribable, within and without the building. A flag, gorgeous and of great proportions, was fixed by its staff in the centre of the hall of the Convention and stretched out its full length by delegates' hands. As soon as quiet was adequately restored, Mr. Yancey, in the name of the ladies of Montgomery, presented the flag to the Convention in one of his most animated addresses. The fair donors, he said, had conceived the design and manufactured with their own hands the first flag of Alabama. A resolution was at once passed formally accepting it and requiring that it should be raised from the dome of the Capitol. Mr. Alpheus Baker, of Barbour, spoke, accepting the flag for the Convention, in exceeding eloquence. Mr. William R. Smith, of Tuscaloosa, spoke, declaring "the daughters of Alabama thus endeavor to impart to our veins the burning currents of their own enthusiasm." In the morning paper Mr. Smith published a sonnet of exquisite pathos, "*To the Flag of Alabama.*"

The Ordinance of Secession, on parchment, was ordered left open on the Secretary's desk that delegates might attach their signatures at will. The same rule had been observed with the Declaration of Independence. One of the signers, for example, Charles Carroll, of Carrollton, did not become a member of the Congress until many weeks after the first signatures had been attached to the Declaration. Signatures were, from time to time, attached to the Ordinance until nearly four-fifths of the names of the members appeared upon it. Twenty-four members, led by William R. Smith, declined to sign, avowing their devotion to the State should be perfect, but, yet unpersuaded of the correctness of its course, they would not appear to posterity in concurrence with it. The twenty-four non-signers were all from the hill country, the stronghold of the Democratic party. There was no steam transit between the northern and southern counties. When the United States declared war, a few months later, against the Confederate States, the policy of organizing the upper

counties into a "loyal" State was openly discussed among them. No leader appeared. The temper of the war party, in the free States, soon expelled hope from the minds of intelligent men, well disposed towards the Union, of the safety of Constitutional government under it.\*

The Convention lost no time in proceeding to acts of legislation. Mr. Thomas J. Judge was dispatched to Washington to negotiate with the government of the United States, first, for an adjustment of the share of Alabama in the public debt and a settlement of the claims of the United States on the forts and arsenals, on Alabama soil; next, to determine the future relations of Alabama toward that government. The President declined, in a courteous manner, through Senator C. C. Clay, Jr., to see the Alabama Commissioner, save "as a distinguished citizen."

The selection of Mr. Judge, wise in itself, became significant of the action of the Secessionists, in the early and persistent promotion of recent Unionists in the new order of affairs. This policy was too bold, in the extent to which it was pursued, to be fruitless of decisive results. The purely intellectual problem of government which, in the Constitution-making period had divided Federalists and Nationalists, which in the Constitution-construing period had separated Democrats from Whigs, Secessionists from Unionists, was not forgotten by the actors of the day and was not to be eliminated from the conditions of the day. It is only necessary here to record the fact of amalgamation, sudden and thorough, of the *personnel* of the old parties in the re-organization of the federal polity of the slave States. It is necessary, too, to relate that while the triumphant Democratic party doctrine installed the Secessionists in power, Whigs and Unionists, from the outset, left indelible impressions upon a new government, whose advent they had deplored as a breach of public policy. Hardly

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\*It so happened that it became my duty in the winter of 1861-2 to traverse on horseback the hill counties of Alabama, sitting at the tables of the people, sleeping in their beds and trying their temper towards the Confederacy by inviting them to volunteer in its armies. I saw no man, young or old, not even the poorest, who by word or act, professed any other than loyal devotion to the Confederacy. Indeed, among the earliest volunteer regiments of the Confederacy were regiments from the hill counties, whole companies appearing in which no soldier owned a slave. Consideration of this loyal attachment lead not a few of the political and military leaders of the Confederacy, Mr. Yancey among them, to recommend a prompt invasion of the United States at the outset of the war, a resort to preserve the spirit of that part of the home population, once disaffected toward the policy of secession, but, when war came, sincerely devoted to the fortunes of the Confederate States.

a practical question of government which had risen in the United States, from the beginning, could be avoided by the government of a Southern Confederacy. Granted, that all alike were hopeful and resolute, the hope and resolution of some was in the present climax of a party policy, pursued from the beginning; and of others in the possible turn of public opinion backward. So it came to pass that, while a large part of the Convention believed the success of the course upon which the State had entered required the continued leadership of those who had initiated it, a majority preferred re-organization of forces without regard to the past political sympathies of strong and honest leaders. Those in the lead, heretofore, must be pulled back a little; those in the rear, pushed up a little to the common alignment. It was a subtle question, a very grave proposition of statecraft, overhanging an unparalleled emergency.

In this condition of mind, the Convention asked of itself, how shall the nine deputies apportioned to Alabama, in the forthcoming Congress of seceded States, be chosen? Those delegates who had demanded the popular vote upon the Ordinance of Secession, now demanded a popular election of deputies. It was at once perceived, however, that time was too brief, until the meeting of the Congress, to permit a resort to the polls. Mr. Morgan thought a fair compromise would be reached in an election of deputies by the Convention, qualified by an agreement not to choose any delegate then sitting nor any member of the Legislature; the Legislature being involved, already, in the act authorizing the call of the Convention and the Convention being responsible for secession. He would enlarge the responsibility for the order of things by calling fresh actors upon the stage. He did not make a motion from his place to that effect, but he made known his views to delegates, his friends, in an informal way. The opinions of many delegates were quite fixed in support of Mr. Morgan's general views, when Mr. Ernest, of Jefferson, a Co-operationist, without Mr. Morgan's consent, however, introduced a resolution requiring the Convention to proceed to the choice of deputies, and providing that no delegate then sitting or legislator should be chosen. Mr. Yancey heard of the talk among the delegates, over Mr. Morgan's views. Not a few Secessionists

were anxious and even chagrined at the suggestion to cut short the career of Yancey, as it was said, at the initial of the work before him. An excited feeling on the floor met Mr. Ernest's resolution. Mr. Yancey attacked it with force. For the ostensible object, he had only sincere respect, he said. It was highly expedient that the State should receive the universal support of the people in this crisis of its fortunes. But he could not give his consent to a measure so impolitic. The State was the Convention itself, and *vice versa*. It would be as logical to debar a citizen of Alabama from office, conferred by the whole people of Alabama, as to debar a delegate from office conferred by the Convention. Gentlemen who supported the resolution failed to appreciate the dignity of the Convention and its just prerogatives. He knew what the argument of gentlemen was—it was the argument of expediency. In this they were mistaken. There were two hundred and thirty-three of the foremost men of Alabama, delegates and legislators. It was proposed that these men, already endorsed by the people as men of wisdom, men of experience, men of courage, should not be considered as available for members of the Congress. In his judgment, the Convention should go straight forward and direct to the duty before it. The list of eligibles to so important a body as the Congress could not be reduced, in the limited number of Alabama statesmen, by two hundred and thirty-three, on the ground of expediency in the public weal. The people would look to results. Results in government were the fruits of wisdom, or folly, in the choice of men to make or execute the laws. Partial friends, he was free to admit, had pressed him to become a candidate for a seat in the Congress, but he "had positively refused." He would protest, nevertheless, against any action of the Convention which would deprive the State of the services of others, most able to serve it, merely because their ability had been endorsed by the people in those opportunities wherein the test could be best applied. The resolution struck at the equality of citizenship. It was both the right and habit of the people to call citizens from one branch of the public service to another, and their judgment in this particular was based on sound principle and was supported by reason.

Mr. Morgan replied in a spirited speech to Mr. Yancey. The people had set the Convention the example, he said, and he accepted it, even should it deprive the Congress of some very eminent men. The people elected some of their number to Congress, others to the Legislature, others to the Convention. In its original organization, it was the rule of the Legislature that it would chose none of its members to offices created by itself. He heartily approved the motive of the resolution, and believed the rule it proposed should be adopted by the Convention, but he had hoped that end would have been accomplished informally, by mere tacit understanding. He hoped the Convention would remain intact, as the people had created it. The argument of Yancey prevailed. The resolution of Mr. Ernest was rejected, 50 to 46. The views of Morgan were accepted — by tacit consent, the deputies, save two, were chosen from citizens other than delegates or legislators. For the office of deputies, for the State at large, were chosen, the Chief Justice, Richard W. Walker, of Huntsville, and Robert H. Smith, an eminent lawyer, of Mobile. To represent the former Congress Districts, were chosen, Colin J. McRae, of Mobile, John Gill Shorter, of Eufaula, William P. Chilton, of Montgomery, Stephen F. Hale, of Eutaw, Jabez L. M. Curry, of Talladega, David P. Lewis, of Moulton, and Dr. Thomas Fearn, of Huntsville. The political antecedents of the deputies indicated the conciliatory temper of the secession majority of the Convention toward their late opponents. Mr. Curry, alone, had the experience of a Congressional career and he alone had been a consistent member of the Democratic party. Mr. Walker had been nominated for Governor, eight years before, in opposition to the Democrat and Secessionist, Winston, but so little was his political ambition that he paid no attention to the honor. His experience in political life was insignificant. Eight years before, Mr. Smith was a pronounced and influential Whig — a member of the Legislature ten years before, a supporter of Taylor, in 1848, and Scott, in 1852. Mr. McRae was a cotton broker, unknown to political life. Mr. Shorter was then, and had been long, on the Circuit Court bench, and was without experience of value for the momentous legislative duties to which he was unexpectedly called. Mr. Chilton had a limited experience in the Legislature,



had been an active Unionist and Whig, for twenty or more years, supporting Harrison, in 1840, Clay, in 1844, Taylor, in 1848, Scott, in 1852, Fillmore, in 1856. Mr. Hale had voted for Bell and Everett in the preceding November, and had been a Whig opposed to secession, through successful and unsuccessful political aspirations. In early life he was, for a single session, a legislator, and re-appeared again in the Legislature, holding a seat there when chosen to the Congress. Mr. Lewis was never in political service, until elected as an unconditional Unionist to a seat in the Convention. He resigned his place in the Congress, and, in course of time, left his home, went into the lines of the United States army and there remained until the dissolution of the Confederacy. Dr. Fearn had a limited experience in the Legislature, was devoted to the exact sciences, was in full sympathy with his friend, Mr. Lewis, in politics, was a septuagenarian, in bad health, and soon resigned from the Congress. Death overtook him before the dissolution of the Confederacy, hastened, it was believed, by the rude oppression and personal indignities imposed upon him by the troops of the United States. "With a majority of one" Yancey would have imparted energy to the secession movement, trusting to its merits to acquire volume.\*

The Convention proceeded, in an animated way, to the work it marked out for itself. Mr. Shortridge, Unionist, moved that the message from the Legislature of New York be now received, and, in response, the Convention pass an Ordinance confiscating the property of citizens of that State found in Alabama, also all property of citizens of other States of the United States whose Legislatures had pledged men and money to assist in the subjugation of Alabama. W. R. Smith, Unionist, offered a resolution declaring all the rivers, of the proposed Southern Confederacy, should be open to free trade, with the United States, and that in all respects the same free trade that had prevailed between the States, in the Union, should continue as heretofore. Mr. Yancey considered the motion of Mr. Smith very suggestive. He would never consent to such a policy in the present condition of affairs. When the Southern Confederacy should be formed, it must hold in reserve its

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\* Messrs. Smith, Hale and Curry entered the Confederate army: Messrs. Walker, Chilton and McRae entered the Confederate civil service. Mr. Shorter was elected Governor in 1861.



great commercial benefits as a basis of diplomacy. Alabama, surely, should not take so important a step in advance of the meeting of the Congress. Secession meant separation, "root and branch." Discrimination, in favor of New England, would necessarily be discrimination against old England. He expected much from diplomacy. The cotton States were in position to realize much from that wise use of their advantages which the commercial powers would gladly accept. The United States had its birth in the necessities of commerce. Alabama should remember that the old Articles of Confederation had been found inefficient, chiefly because they permitted the States to act precisely as Mr. Smith's resolution contemplated the State of Alabama should now act. The Confederacy, to be born, was the only authority that Alabama could afford to trust with her commerce. The Confederacy should see to it that commerce, seeking the Southern ports, should be the commerce of friends and allies, and not that of enemies. He would meet public opinion of the Northwest on middle ground. He would offer a resolution favoring free navigation of the Mississippi. He was not unmindful of the unfriendliness of the States of the upper Mississippi Valley to the Southern States, but the normal commercial affinities of the whole valley lead him to hope that the approaching Congress would be able to remove partisan prejudices of the past, between its geographical divisions. Mr. Smith's substitute to the resolutions, concerning free trade between the States of the United States and the proposed Confederacy, was laid on the table. Mr. Yancey's resolution, amended slightly by Mr. Dowdell, favoring free navigation of the Mississippi, passed.

A committee reported an Ordinance to become "a supreme law of the land" forbidding the African slave trade. Mr. Henry C. Jones, Unionist, of Lauderdale, moved instructions to the deputies to the Congress, requiring them to urge that body to prohibit the importation of slaves "other than from the States of the late United States of America." Speaking to Mr. Jones' resolution, Mr. Morgan said, he would sooner prohibit the bringing of Christianized negroes from Virginia, as a moral wrong, than forbid ship loads of savage slaves of savage masters enter upon the plantations of Christian gentlemen of Alabama, to be trained in labor and civilized customs. He

would vote for the amendment of the report of the committee, prohibiting the trade, solely on the ground of public policy. Public policy had recommended the trade to our forefathers; public policy now condemned it. It would be necessary that the Congress should prohibit it to make prohibition effective. Mr. Smith, of Tuscaloosa, saw no reason for a declaration of "public policy" in the resolutions. He would prohibit the trade as the most brutal commerce men could engage in. Besides, he wanted to see the way left open to the white men to occupy the State. He had often been a candidate for office, and had seen much of the small, non-slaveholding farmers. They were good citizens, and nearly all were living happily and honestly. There could be no immorality in the transformation of character the negro had undergone on the plantations. The black race had been greatly advanced, being taught to live under a roof, to live on wholesome diet, had acquired a graceful, sinewy form and the stature of intellect had advanced with all. But he would have no more slaves in Alabama. Solon looked far into the future when he proposed laws; Lycurgus planned for a thousand years. "Sir (he said) you are not merely opening the womb of emergencies that great warriors, great orators, great poets, great statesmen may spring out. You are not merely creating an era—an age that may be an age of iron, an age of bronze, an age of gold, or an age of blood. You are here for the loftiest of all purposes—to build up a country for the lasting happiness and the permanent prosperity of the millions that inherit the land."

Mr. Yancey spoke to the resolution of Mr. Jones, at length. No subject had been brought before the Convention, save the question of secession, comparable to this resolution in importance, he said. No public man had ever been allowed so little benefit from his own well defined positions as he, himself, on this question. He was opposed to the trade. "Within the allotted time of a life (he continued) simple skill applied to cotton culture had amassed many a fortune. Within half a century a plant culture, beginning with a narrow belt of seaboard, has opened fields from the forests, extending in length 1,500 miles, and 500 in breadth, giving employment to the manufactures and commerce of the civilized world. Well, Mr. President, might the statesman pause before he undertakes to

meddle with the foundations upon which this magnificent and unparalleled prosperity rests. Well might visions of future political aggrandizement melt away before the reality of prosperity so grand and so amazing." The South, he continued, had been greatly embarrassed in determining its duty, on the question of maintaining its institutions against hostile interference, within the Union. There had never been a public opinion favorable to the African slave trade in the South, but some good men, seeing no hope of preserving their rights in competition with the organized rush of Europeans to the common domain, otherwise, had advised the trade. Not more than 500 negroes had been landed in the cotton States from Africa, to the best of his information. The people of the South, too, had been goaded to defy laws denouncing that trade to be piracy, which the framers of the Constitution had specially protected against all possible interference for twenty years. But, secession had determined a fixed policy. The Confederacy would need no additions to its slaves from fresh importations. The Mississippi Valley could produce, even, ten millions of bales of cotton, by the labor of the slaves already in the country. He would be glad to assure the border States of perfect freedom from African competition in the slave market. He would be glad to invite them into the Confederacy on those terms. He foresaw danger in the attitude of the border States towards the Confederacy. Should those States fail to secede, knowing the fate of slavery in the Union, they would hurry their slaves into the Confederacy, far in excess of any demand for them.

The Ordinance declaring prohibition of the slave trade with Africa, amended by Mr. Jones denouncing the trade as opposed to public policy and instructing the deputies from Alabama to the Congress to insist that a prohibitory provision be incorporated into the organic law of the Confederacy, passed, with three dissenting votes.

After three weeks' sessions, the Convention adjourned, until March 4. Meantime, the Provisional Government of the Confederate States of America organized at Montgomery. Mr. Yancey resigned his seat in the Convention to enter the civil service of the Confederacy, and Mr. Mitchell was chosen to succeed him.

The Convention was an assembly of earnest men accustomed to business. They quite realized that they were expected to do those things for which they would be held answerable in the latest pages of history. Nothing of utterance availed on the floor, save a native and vigorous eloquence turned upon the present situation of affairs. Speculation or sophistry would not be tolerated. Mr. Yancey was tried, as never before, and never before did the solid foundation of his intellectual prowess so manifest itself. Every utterance of his was fraught with argument; he was master of every subject which the most able and astute opponent or the most appreciative ally brought forward; he was, himself, already convinced of the wisdom of all things recommended by him to others. No delegate was so listened to as he. He went into the Convention with both the matter and the argument of the situation in perfect command. He accepted with unfeigned alarm and openly confessed premonitions of evil, his failure to arrest the tacit purpose of the Convention to disqualify for service in the Congress two hundred and thirty-three citizens of the State, upon whom had been bestowed the first choice of the people in the direction of the crisis then upon them. He beheld the influence of Alabama, in the new Confederacy, taken away from those supporters of his through the long years of his maturing purpose, to be entrusted to others whose wisdom he did not believe to be equal to the momentous issue of the times. He was profoundly impressed with the premonition that, a first false step had been taken, in the crisis for which he was to be held responsible in all time.

## **CHAPTER 25.**

# **Confederate Diplomacy.**

1861.

The Jeffersonian doctrine of State interposition to arrest unconstitutional acts of the federal government had given way to the presumptively more effective self-defense of secession, preliminary to federal re-organization of homogeneous States. The speculations of statesmanship will not avoid, because of the awful consequences of the course the slave States adopted, to consider the hypothesis of the Jeffersonian doctrine in the original circumstances. If, instead of formal secession and simultaneous federal re-organization, the imperiled States thus seeking safety, had merely suspended their relations with the Union, to the extent of peaceable and quiet withdrawal from all participation in its government, they would have thrown the revolutionary States upon their own resources of government. Had the members of the Supreme Court, from the South, the cabinet officers, the foreign ministers, the officers of the army and navy and all civil officers of the federal government, of Southern birth and associations, retired, leaving their places to be filled by the Republican party from its own section, the full force of the revolution would have developed at once in the free States. Up to 1861, the slave States had contributed the President of thirteen Administrations, and the free States of five. The Speakers of the House, Presidents of the Senate, Justices of the Supreme Court, foreign ministers, military officers had been, in far the greater number, taken

from the slave States. The slave States had demonstrated their ability to preserve the government. The free States were in a condition of open revolution against the government. War was timely, if not necessary, to establish, in the free States, the cohesiveness of society essential to the united action of those States under whatever form of government might follow, there, the deposed Constitutional Union. A hypothetical policy of unbroken peace at the South presented, at least, the presumption that, amidst the great changes through which the free States must pass when thrown upon themselves for government, the slave States would see their prospects for relief brighten. But it was evident, in 1861, that the Jeffersonian doctrine of arrest of oppressive government, by refusal to participate in it, would not be accepted at the South, with that degree of unanimity necessary to the experiment. The question of accepting the government, under the Republican party, already divided the people. Alexander H. Stephens had advised the Southern aspirants for office to stickle not at serving under any legally commissioned Chief Executive, while there were other evidences that nullification could not be brought to the relief of the imperiled States.\*

When Governor Letcher found an invitation at the door of every slave State, sent by South Carolina already withdrawn from the Union, to meet in Congress to form a Southern Confederacy, the Legislature of Virginia was hastily summoned in extra session to devise a plan of reconciliation of the sections. So it came to pass that, on the same Fourth day of February, 1861, on which seven seceded States convened by their deputies in Provisional Congress at Montgomery, the delegates of twenty-one States, by invitation of Virginia, met in Peace Congress at Washington. No explanation of the motives of the two colliding Confederacies will be more satisfactory to history than that which follows an inquiry into the temper dominating these two Congresses.

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\* Considering the fact of revolution in the free States, within the first twenty years of ascendancy of the Republican party, two Presidents were assassinated, a third was virtually impeached, and a fourth was seated in the office, to which he was not elected, by the threat of the use of the army. The revolution was further evidenced in the act of Congress (where the Southern States were not represented, who composed the Confederate States) approved June 19, 1862, which arbitrarily annulled the Constitutional principles determined in the Dred Scott decree. The provisions annexed to the Constitution, by the Republican party, changed the government in its sources.

Senator Salmon P. Chase was the controlling influence in the Peace Congress. To him fell the lot of applying the match which exploded the lingering hopes of the Unionists, North or South. Never was shadow lifted from a public career with more fateful celerity than from the career of Mr. Chase. But a little while ago, the leader of a junta, meeting in darkness and secrecy, in bodily peril of the mob, now he appeared with bold front, a chosen Constitutional adviser of the President-elect. Those passions which, as a politician under a shadow, he had been forced to cultivate with uncertain plans and obscure hopes, he now found borne upon the unparalled forces of revolution to the embrace of the greatest of governments.

The annual message of President Buchanan, laid before Congress, in December, 1860, advised it to prepare an amendment to the Constitution which would dispose of the ostensible cause of sectional discord by securing to the whole people the right of peaceful occupation of the common domain, with their property. Referring to the attitude of the Southern States, where the menace of secession was heard, denying the right the message said: "To the extent of the delegated powers, the Constitution of the United States is as much a part of the Constitution of each State and is as binding upon its people as though it had been textually inserted therein." The question of right, in the federal authority, to coerce a State, the President said, had been more than once brought up in the Convention of 1787. Favorable as Mr. Madison was known to be to a centralized government, he resisted the motion to delegate the power to coerce a State. After full debate the idea had been abandoned and no trace of it appeared in the Constitution. Foreshadowing what his course as Chief Executive would be, in the event that secession would be consummated, the President said the acts of Congress, February, 1795, and March, 1807, vested the President with authority to call forth the constabulary to execute any process, civil or military, and, if necessary, to employ the army and navy for the same purpose. But no law then on the statute book "would overcome the united opposition of a single State, not to speak of other States who may place themselves in a similar attitude." He had instructed the officer in command of the forts to resist any attempt to expel the United States from their possession. The



Executive had no power to change the relation of the States to the federal government and he would not recognize a seceding State. Those who agreed with the President argued that the federal government had no right to coerce a State, but could execute its laws within a State. The federal government could not bring a State into court, as a party to an action, but it could pass laws and bring them to bear upon individuals within a State. The message did not please the Secessionists or the Republican party.

In support of the proposition of the message, that an amendment be added to the Constitution defining the rights of persons and property in the Territories, Mr. Crittenden, from Kentucky, offered in the Senate the substance of an amendment, to extend the old Missouri "compromise" line across the continent. North of the line slavery should be forever prohibited; south of the line the people might tolerate or deny the institution at will. In a special message, of January 8, 1861, the President plead eagerly for the amendment: "In heaven's name (he cried), let the trial be made before we plunge into armed conflict upon the mere assumption that there is no other alternative." The South unanimously called for the amendment. Senators Robert Toombs and Jefferson Davis were specially earnest in demanding it. Senator Clark, of New Hampshire, after various proceedings, moved to strike out the entire preamble and resolution of Mr. Crittenden and substitute therefor the platform of the Republican party, in the late Presidential campaign, and this motion prevailed; 25 to 23!

The Republicans in Congress determined to carry over to Lincoln's administration and to the Congress, elected with him, the initial of a new method of government. They remained stubborn, and both Houses were, consequently, inactive. Both Houses appointed committees, in mockery, to consider the situation. In the Senate Committee of Thirteen, Republican members, in contempt and derision, announced their intention to disregard the President's counsel and their purpose to yield nothing, to listen to no plea for guarantees of safety to Southern institutions. The House Committee met and adjourned for a week, without even coming to a vote on the various propositions for restored harmony, which it had



promised to consider. The cabinet dissolved in discord. Lewis Cass, Secretary of State, resigned, because of the refusal of the President to enter upon the armed conquest of the South; Howell Cobb, of Georgia, Secretary of the Treasury; John B. Floyd of Virginia, Secretary of War; Jacob Thompson, of Mississippi, Secretary of the Interior, and Aaron V. Brown, of Tennessee, Post Master General, resigned, because of their intention to espouse the cause of their respective States in the inevitable rupture. Jeremiah S. Black, of Pennsylvania, Attorney General, resigned, after complying with the President's demand for his official opinion touching the duty of the Executive toward a seceding State. Mr. Black's opinion announced :

“If it be true that war cannot be declared nor a system of general hostilities carried on by the central government against a State, then it appears that an attempt to do so would be *ipse facto* the expulsion of such State from the Union. Being treated as an alien and an enemy, she would be compelled to act accordingly. And if Congress shall break up the present Union, by unconstitutionally putting strife and enmity and armed hostility between the different sections of the country, instead of the ‘domestic tranquility’ it was meant to insure, will not all the States be absolved from their federal obligations? Is any portion of the people bound to contribute their money and their blood to carry on a contest like that?”

Mr. Black gave voice to yet more emphatic horror of the Republican policy and methods :

“Remember (he said), in addition to this, the leading Abolitionists acknowledge no law which stands in the way of their interests or their passions. Against anybody else the Constitution of the country would be a protection. But they have no scruples about swearing to protect it while premeditating to violate it. We have been well warned by all the men best entitled to our confidence—particularly and eloquently warned by Mr. Clay and Mr. Webster—that if ever the Abolitionists got a hold upon the organized physical force of the country, they would govern without law, scoff at the authority of the Courts and throw down all the defenses of civil liberty.”

The President had re-filled the vacancies in the Cabinet by pronounced Unionists, or coercionists, as the term “Unionist” then implied at the North. Edwin M. Stanton, John A. Dix and Joseph Holt were now of his advisers. The leaders of the South, yet resolved on peace, sought to change the Administration as a last recourse. On Christmas day, 1860, Senator

Wigfall, of Texas, in company with several gentlemen and with the approval of others, of the North, and the South, went to the residence of Secretary Floyd to unfold a plan to abduct the President, remove him in safety from Washington, or possibly from the country, leaving his office to be filled by the vice-President, Mr. Breckenridge — a more forceful and a younger man. The public mind of the South would be directed into new channels, the rightful authority of the government would be administered, peace would be invited and radicalism delayed, at least measurably. The Secretary indignantly rejected the project and Wigfall, in despair, abandoned it.\*

The conservatives of the North watched with intense anxiety the fierce spirits, of their own section, maddened by triumph and unrestrained by principle. On the sixth day of January Fernando Wood, Mayor of New York, sent an elaborate special message to the Common Council. A dissolution of the Union, the message declared to be inevitable. It was originally a government of opinion. A resort to force would destroy the principle upon which it was founded and the lives and property of the people would go out in one common ruin. It had become the solemn duty of New York city to look ahead to new relations, necessarily growing out so great a change in public affairs. "While unfortunately (said the Mayor) other portions of our State have become imbued with the fanatical spirit which actuates a portion of the people of New England, the city of New York has unfalteringly preserved the integrity of its principles by adhering to the compromises of the Constitution and the equal rights of the people of the States." The Mayor urged the fearful consequences of "an odious and oppressive connection" with a State dominated by the Republican party. He did not anticipate a ready consent of that party to a peaceful separation of the city and the adjacent territory from the State. But, the probability was that, the Pacific States would sunder their relations with a government, from which the conservative States of the South had found it necessary to withdraw. The States bordering the upper Mississippi would not be slow in setting up for themselves.

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\* *North American Review*, February, 1887.

“Why should not New York city (he inquired) instead of supporting by her contributions in revenue two-thirds of the expenses of the United States, become also equally independent? With our aggrieved brethren of the slave States we have friendly relations and a common sympathy. \* \* It is folly to disguise the fact that New York may have more cause of apprehension from the aggressive legislation of our own State than from external dangers. \* \* How we shall rid ourselves from this odious and oppressive connection it is not for me to determine. \* \* When disunion has become a fixed and certain fact why may not New York (city) disrupt the bands which bind her to a venal and corrupt master, to a people and a party that have plundered her revenues, attempted to ruin her commerce, taken away the power of self-government and destroyed the Confederacy of which she was the Empire City?”

Delaware, Maryland, Virginia, North Carolina, Missouri, Tennessee and Kentucky were the slave States represented in the Peace Congress. Senator Zachariah Chandler had exerted his powerful influence to prevent the appointment, by the free States Governors, of deputies. Failing in that resort, he urged that politicians firmly wedded to the Republican party should alone receive commissions. The venerable John Tyler was chosen to preside and, upon assuming the chair, he delivered an eloquent appeal for restored harmony to the entire Union. On the second day, the Crittenden amendment being under discussion, on a motion to recommend the federal Congress to adopt it, Mr. Chase, Senator from Ohio and a delegate, appeared in his seat to speak against it. His speech was a frank announcement to the South, coming as from the incoming Administration, that nothing would be done to restore the Constitutional compromises or to sustain adjudicated rights of that section under the Dred Scott decree. To hold the Peace Congress up to the derision and execration of the North was the effect, at least, of the Senator's oratory. He said the Constitutional requirement of the rendition of fugitive slaves was as universally admitted in one section as in the other. But time had wrought great changes at the North. The letter of the law remained, as the fathers had made it; yet the law could not be made operative. And there lay the irremediable trouble. “I must speak to you plainly, gentlemen of the South, (said Mr. Chase); it is not in my heart to deceive you. I, therefore, tell you explicitly, if we of the North and West would consent to throw away all that has been gained in the

recent triumph of our principles, the people would not sustain us and so the consent would avail you nothing." The Senator proposed that, the equality of slavery in the Union being entirely out of the question, certain steps might be taken to adjust existing difficulties in the maintenance of its acknowledged rights. For example, an amendment to the Constitution might vest authority in courts of equity to determine the value of fugitive slaves, and the value, determined thus, would be "a charge upon the national treasury." "Let there be (he said) judgment for compensation rather than judgment for rendition." But, the Southern deputies asked, would the judgment for compensation be held in higher respect at the North than the despised judgment for rendition? Would equity attach a property valuation to a fugitive in States, whose statutes declared the fugitive was, by natural right, a free man? Would not the acceptance, by the slave States, of this new order of obtaining justice be construed by the Abolition emissaries as tacit assent to their machinations to procure fugitives; and, with every fugitive procured, would not the uncertainty of the master's rights depreciate the property value of the remaining slaves? Would not Mr. Chase's plan, in practice, be emancipation without indemnity to owners?

While Virginia attempted to mediate and Horace Greeley and General Scott declared against violent suppression of secession, Greeley applied to the President-elect, yet at his home in Illinois, for an avowal of his opinion on the momentous question. Mr. Lincoln was prompt in reply and emphatic. He would "suffer death" before consenting or permitting others to pledge his Administration to a course of conciliation, while the South was "in a state of menace." The question of integrity of empire, was the paramount question, Mr. Lincoln held. It is not a little interesting, the narrow escape of this question of empire, of 1860, in its birth. By accident a colony of Jesuits, planted by Spain, on the Albemarle Sound, and a settlement made by the Spanish Governor of Florida on "the bay Santa Maria"—Chesapeake—a full half century before Jamestown was founded, or before the landing on Plymouth Rock, had failed; even while the Spanish claim to all the country penetrated by De Soto, and all conquered by Cortez and Pizarro was undisputed. Eighteen millions of the free

States, twelve millions of the slave States, self-governing communities, rich and brave, would, Mr. Lincoln assured Mr. Greeley and the people, "*fall down to a level with the existing disorganized state of affairs in Mexico*," so soon as the argument of irrefragable empire gave way to the logical force of the American idea. The menace of "Mexicanization" was a most timely and ingenious argument. It presented a dread alternative to hundreds of thousands of anxious minds in the free States; hundreds of thousands, who had voted for Breckenridge and who required the help of the South to save the North from the revolution, prepared by the party of the President-elect. "Mexicanization" of the free States was the alternative to that measurable unification of Democrats and Republicans there, permitting Douglas, Franklin Pierce, Horatio Seymour, Black, Cushing, Bigler and McClellan to unite with Seward, Sumner, Fremont and Sherman to prepare for war—the one party fighting to achieve centralization, the other to compel the Southern States to assist them in their struggle against the Republican party.

The Peace Congress deliberated three weeks. The fruit of its labors was, a proposed amendment to the Constitution, substantially the same as the Crittenden amendment. Its venerable presiding officer was instructed to lay the document before each branch of the national Legislature to receive the necessary legal sanction. The Senate took a vote on it, and rejected it by a large majority; the House refused to receive it. So terminated Southern mediation in dernier resort.

South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, seven States with fifty deputies, organized in Provisional Congress of the Confederate States of America, in the Capitol, at Montgomery, February 4, 1861. The connection of each State with the Congress of the United States had been severed by the withdrawal of its Senators and Representatives, except in the single exception of Mr. Bouligney, of Louisiana, who retained his seat in the House until the expiration of his term. The deputies had been chosen by the secession Conventions and the Conventions had taken them from the two parties, one recommending, the other opposing secession. Even the deputation from South Carolina was composed in equal numbers of original Secessionists and Co-operationists. South Carolina, by act of her secession Convention,

had recommended the capital of Alabama as the place for the assembling of the Congress of the seceded States. Mr. Rhett suggested the place because it was the home of Mr. Yancey and because Mr. Yancey was supported, in his political views, by both of the daily newspapers published there — the *Advertiser* and the *Mail*. To the Congress came, from all the States represented, deputies who had yet to learn the significance of the movement. From Georgia, Alexander H. Stephens, Benjamin H. Hill, Augustus H. Kenan, who, to the last, had resisted with the full force of their extraordinary powers, the act of secession. Mr. Stephens hesitated to accept his commission as deputy, until six days before the Congress assembled, and consented then only on condition that the Georgia Convention should pass a resolution, virtually withdrawing its deputation from the Congress, unless the government established for the proposed Confederacy should be “upon the principles and basis of the Constitution of the United States of America.”\* Indeed, deputies came, numerous, eloquent and skilled who, from their youth up had won fame in contesting the theories upon which the Confederacy was founded, who in November had voted as Whigs and Unionists and who, even the week before, had urged the inutility of the Confederacy and voted to defeat its creation. Howell Cobb was chosen President of the Congress, he who, in 1850, had lead in the organization of the new Union Party at Washington, and who had defeated the secession party of Georgia, in 1851. Johnson J. Hooper, one of the most brilliant leaders of the Whig-Unionists of the Southwest, up to 1858, was appointed Secretary. Nothing had transpired to revolutionize the matured views of great leaders, and at the outset, when appreciation and vigorous action must be decisive of success, a kind of dazed contemplation possessed the Congress. An Alabama deputy, the only original secessionist representing the State, wrote to a constituent from his seat:

“It is difficult to tell whether there will be war. Buchanan will hardly attempt coercion. Lincoln may or may not. The interests in favor of peace are so great that war can hardly be unnecessarily attempted. If the Black Republicans force it, of course we must defend ourselves.†”

\*Pictorial History United States, Stephens, pp. 583-9.

†J. L. M. Curry's letter to Dr. W. W. Anderson, Montgomery, February 20, 1860.

Trade and travel were yet unrestricted between the two Republics. The Congress read the defiant speech of Mr. Chase and the judicial verdict of Mr. Lincoln; sent forth its Proclamation of Independence; and left open its sea ports—through which flowed out resources of national life, more nourishing than new born nation ever, until now, had inherited and squandered. Of property the Confederacy owned only unarmed forts and one or two comparatively empty arsenals, fortunately seized by Governors favoring secession. Sixty thousand old and condemned muskets from the United States armory, at Springfield, had been distributed by the Virginian, Floyd, at the head of the War Office, in orderly course of official duty, through the Southern States and four hundred thousand through the Northern States. The Unionist editor, C. C. Langdon, of Mobile, seeing this, had declared, not in irony: “*We are much obliged to Secretary Floyd for the foresight he has displayed in disarming the North and equipping the South for the emergency.*”

There was no question of good faith in the organization of the new Southern government. There was only the question of time necessary to reconcile great men of long opposing views and rival parties to the general principles of the one party, whose policies were now in the ascendancy. Thus it happened that, in the celerity of the Southern movement, vigor of administration was not attained. A Congress composed, in part, of deputies controlled by an intense conviction of right and, in part, of deputies who had remained Unionists to the latest moment of the open question, dallied with its opportunities and fell even into irremediable neglect. There were old questions of tariff, of foreign alliance, of protection to home industries, upon which the deputies assembled had differed through long and stormy conflicts among themselves. Every deputy had made up his mind to consent to the raising and equipping of an army, yet the Congress permitted millions in cotton, rice, tobacco, sugar to take wings from the land. Millions of cash in bank vaults was destined to remain unappropriated, even while, a little later, Congress prepared to impress into its service the meal, meat, mules, wagons from the farms and to drain the country of its arms-bearing population. Unfortunately, the Congress, inappreciative of the



sentiments of Messrs. Lincoln and Chase having only the interpretation of war about them, went diligently to work to erect a ponderous civil government, cumbersome under existing conditions. In five weeks it had enacted an elaborate Provisional Constitution, elected a President and vice-President and adopted a Permanent Constitution. Both Constitutions disclosed the genius of the South; both were far in advance of the theories of any social polity known to the world.

The subtle significance of Mr. Stephens' resolution, committing the sovereign Convention of Georgia not to join the Southern Confederacy, unless the Congress should immediately put in force a civil polity essentially the same as the Constitution of the United States, must be allowed a highly important, perhaps decisive part in the Southern movement. It did not come forth from the propelling thought of that movement. It was more an expression of regret than of confidence. The governments of the seceded States, in town, county and State, had been in no degree disturbed. They were the repositories of law and order, operative in every function. The Legislature of the separate State, by accepted adjudgment, possessed the power to do all things not prohibited by the State Constitution, now that the federal Constitution was not in force. The object of secession was federal reorganization, but the State government, in this crisis of the federal system, was far more competent to employ the resources of the people than a complex federal system, possessing only the powers conferred on it by the States. Was Mr. Stephens' resolution sound statecraft? Would not a simpler federal organism have provided a Constitutional status, under the circumstances, safer to the cause at issue? Would not a General, to command armies and resources of war, and a Congress of a single branch have been a prudent federal organization? Especially did advanced observers, who were sympathizers with the movement, look with suspicion upon the office of President and Commander-in-Chief of the army and navy, endowed also with the veto power, together with a great variety of arbitrary powers; in theory, established to preserve the equilibrium between civil and military authority in the government. Undoubtedly the



general understanding of the dangerous nature of the Presidency, in the crisis, turned the public mind toward Mr. Jefferson Davis, as the most available and proper person to fill it. He had considerable reputation as a soldier, however slight may have been the claims upon which it was founded; his popularity as a politician was very great, notwithstanding he had never been a leader in any successful statecraft. The Secessionists, of 1861, remembered that, in 1851, he stood in the front rank of the supporters of their policy; the Unionists, of 1861, remembered that, in 1858, he had virtually come to their side, and that after the election of Lincoln he had protested against secession. Thus it happened that the mixed deputations to the Congress, Secessionists and Unionists from every State, even before setting out from home, had decided upon the elevation of Jefferson Davis to a commanding position.

Upon what foundation did the fame of Mr. Davis rest? He entered political life from the seclusion of the agricultural pursuit. He was a cotton planter, of the Mississippi Valley, but was not distinguished for thrift. His military education and experience, however limited in the field, as a Lieutenant, induced the regiment of Mississippians, volunteers to the Mexican war, to chose him their Colonel, while he held the seat to which he had just been elected as Representative in Congress. In the small army of invasion, to which the Mississippi Regiment was attached, commanded by a Brigadier and in numbers only a full Brigade, Colonel Davis' personal qualities shone out. The tactical disposition of his Regiment on the hard fought field of Buena Vista and the firmness in which he held it, overshadowed all other events of his military career. Returning to his plantation, ere the war was over, refusing military promotion, he was sent to the federal Senate. He resigned, in 1851, that high office to take up the canvass, which Quitman had abandoned, as secession candidate for Governor of Mississippi, against his colleague in the Senate, Henry S. Foote, the Unionist. He was defeated, by a small majority, but won encomiums on all sides by his eloquence and noble bearing in the contest. He was called, two years later, from retirement into the Cabinet of President Pierce, and as Secretary of War, in control of an army of 25,000 men, in

time of peace, devoted himself with industry and success to the improvement of its discipline, to its reorganization and improved equipment. In 1857 he was restored to the Senate. It will be the duty of the historian of the events in which Mr. Davis acted a determining part to study, in the debates of the Senate, in 1849-50, when the Clay "compromise" was discussed, and in the debates, covering four years of his last term, when the sections had arrived at a full consciousness of the abortive nature of that measure, the mental measure of the man. Omitting Calhoun, Webster and Clay, because of their phenomenal individuality, the Senators will, perhaps, be classed, by the standard of original powers displayed, as of the first class, Toombs, Clayton, Badger, of the slave States; Douglas, Chase, Seward, of the free States. In the class next below, determined by the original test, were Jefferson Davis, Hammond, from South Carolina, Mason, from Virginia; Sumner, Dickinson, Wade, from the free States. Senator Davis was not a ready debater, upon the higher plane of logic. Where acquired information was needed for illustrating the subject under discussion, his wide reading became evident. His prepared orations charmed all listeners and all readers. His seat in the Senate was a rendezvous of Senators, of all parties, who came thither to enjoy the delights of his conversation. His voice was singularly pleasing, his language chaste and his information inexhaustible. In general society, he was gallant and his courtesy to woman was beautiful. "Mr. Davis was a very courteous man, scrupulously polite to everybody, ordinarily, but cross and petulant when his health was bad, as was often the case."\* Mr. Davis was a model Senator, not a resourceful leader; he was a distinguished orator, not a resistless advocate; he was so chivalrous in devotion to his principles as to command the reverence of all heroes. He was a typical Southerner, not super-typical fitted to direct the whole energies of the South concentrated in a deadly grapple. There were not a few men, voiceless, who knew him as he was; the man consecrated to his conscience; the man below the measure of the exigency over which he was called to preside; the man who could not forget what ought not to be remembered, by

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\* Personal Reminiscences of ex-Senator Anthony Kennedy, of Maryland, in *Baltimore Sun*, December 21, 1889.

the chieftain of such a cause as was the cause of the South. A very strong man in the rugged paths of enterprise, was F. M. Gilmer, a notably practical man of affairs, the Alabama Commissioner to Virginia, the fellow-townsmen and acute observer of Yancey from the outset of his career. Mr. Gilmer, at Richmond, warned the leaders of Virginia that Yancey was the practical man required to lead the South.\* But Mr. Gilmer returned with the news that Virginia preferred Mr. Davis for President. The unanimity of States in the choice of the President did not conceal the fact that some deputies did not prefer him or that some sagacious citizens did not trust his capacity. Mr. Rhett was charged with the duty of casting the vote of South Carolina in the election of Provisional President and vice-President. Mr. Davis was not his favorite for the Presidency, though he was not resolved to oppose him. Mr. Robert W. Barnwell, a deputy from the same State, a kinsman and friend of Rhett's, recently withdrawn from the United States Senate, was a friend of Mr. Davis. There was no formal conference of the South Carolina deputies, but Mr. Barnwell sought Mr. Rhett, as the election of President approached. Barnwell urged that an era of good feeling was the true political objective. A more robust intellect than Mr. Davis, he admitted, might be found. He would not even claim greatness for him, but the people were proud of his career. Should he be elevated to the Chief Executive office the dignity of his character would encourage the people at home and command respect abroad. Mr. Monroe, not a great man, had made two Administrations illustrious, because he had selected advisers of the highest qualifications. It was certain no individual of the Confederacy had so wide an acquaintance with the political and military men who would probably enter its service, as Mr. Davis. It was forgotten that in the decisive and progressive Administration of President Jefferson, who relied upon his own sound discretion, to the limit of the law, the cause of Constitutional right was advanced; and that in the "era of good feeling," under Mr. Monroe, the seeds of revolution were planted.

\* General G. T. Beauregard wrote: "I was very favorably impressed, on brief acquaintance, during the late war, with the great Southern orator, Hon. W. L. Yancey. Indeed, I believe that, if he had been selected as our Chief Executive, the result might have been very different. He appeared to me to be a statesman with enlarged views, and no petty jealousies to jeopardize our sacred cause."

Mr. Alexander H. Stephens was chosen Provisional vice-President, because his high courage and fidelity and because of the practical wisdom in which he would be sure to lead the Unionists of the country. It will, presently, appear that, of all wisdom in civil politics consecrated to the service of the Confederate States, his stood pre-eminent; and of the brave men who joined their fortunes with that government, none were truer than he.

The Provisional President-elect set out by the most convenient route from his home to the capital through upper Mississippi and Alabama, through the region of great plantations, on to Atlanta and West Point, Georgia, thence by the oldest villages of Alabama to his journey's end. Crowds of highly excited gentlemen and ladies met his train at every station, greeting him with evidences of most flattering confidence. The municipality of Montgomery received him with elaborate display. Mr. Yancey, by appointment of the mayor and council, delivered the address of public welcome, declaring to the people that the man and the occasion had met. The next day, February 18, the ceremony of inauguration was performed. "I never before or since that hour so experienced the ecstasy of patriotism," declared a veteran, a quarter of a century later. A great throng of citizens, from both Confederacies, men of the South and men of the North, arm in arm, followed the calm and soldierly figure, in one unbroken mass, up the broad avenue. At the Capitol, the Congress, in a body, received him, Mr. Rhett delivering a spirited and eloquent address in their name. On the porch, the people saw him bow reverently and swear loyalty to the new Republic and heard his earnest plea for peace. "War (he said) would be a policy so detrimental to the civilized world, the Northern States included, that it could not be dictated by even the strongest desire to inflict punishment upon us." Other States would ask admission; their desire should be granted, but, with unfriendly States, "reunion was neither practicable nor desirable." "The suffering of millions will bear testimony to the folly and wickedness of our oppressors," should war be forced by them.

Immediately upon the return of the President to his apartments, at the Exchange Hotel, he sent for Mr. Yancey. No civil appointment had been made by the Executive, he said.

Would Mr. Yancey indicate his own choice of an office within the gift of the Executive? Mr. Yancey replied that, with a deep acknowledgment of the confidence of the Executive, he did not desire public office; he was at that moment a delegate holding a seat in the sovereign Convention of Alabama, and would prefer the duty of serving the political cause in a private capacity. The President insisted upon Mr. Yancey's selection of one of two positions — a Cabinet portfolio, or the head of the Commission to Europe, which an act of Congress, even before the inauguration of the Executive, required him to appoint; expressing, meantime, the hope that he would choose the latter. Mr. Yancey left the President in excellent mood, having promised to reflect upon his wishes and return answer as soon as his determination was reached. At an early day, after this conference, Mr. Yancey carried to the President the application of his personal and political friend, Leroy Pope Walker, for a place in the Cabinet, recommending it. "But (said the President) Alabama does not expect two Cabinet places?" "I desire the appointment of Mr. Walker," replied Yancey.

B. C. Yancey had distinguished his conduct of the Argentine Republic mission, to which Mr. Buchanan appointed him, by one or more acts of prudence and courage. So gratified was the Administration with his course there, that upon his resignation, in 1859, and return home, Mr. Buchanan insisted that he should go as Minister Plenipotentiary to France. He declined the proffered service, having been quite convinced of the trouble which the approaching Presidential campaign would excite, and being resolved to remain in the South to serve his own people, as best he might. W. L. Yancey submitted, for the advice of his brother, the President's invitation to him to take the head of the Commission of the Confederate States to Europe. The advice was promptly given, to decline the appointment. The minister, on his homeward voyage, had remained in England for a season. He had studiously sought information touching the feeling of the government there toward a probable Southern Confederacy and, also, had applied himself to ascertain the feeling of the laboring classes and their leaders, Cobden and Bright. Suffrage had not then been enlarged, to reach the laboring classes,

but the government was scarcely less respectful of their wishes on that account. Cobden and Bright would oppose the recognition of a slave holders' Confederacy. Unless the home government should send a Commission authorized to offer commercial advantages so liberal that the Exeter Hall influence could not withstand them, the British government, however well disposed, would not venture to run counter to the anti-slavery feeling in the monarchy by recognition of the Confederate States.

The leader of the South Carolina deputation, Robert Barnwell Rhett, had been twenty years a member, in either branch, of the Congress of the United States. His experience had been especially devoted to the study of the revenue laws and the laws of commerce. In this connection, he had become thoroughly familiar with the treaties of the United States, before and after the creation of the Constitution. He had discussed, in the secession Convention, of South Carolina, a policy of treaty between the proposed Southern Confederacy and European commercial States. Coming into Congress, well known as a man of extraordinary mental acumen and a thoroughly practical man of affairs, he was at once chosen chairman of the most important of the Committees — the Committee on Foreign Relations. This Committee, through its chairman, brought in a report, ere the inauguration of the President, as has just been said, requiring that officer, when installed, to send a Commission to Europe, to treat with the great powers of that continent for recognition of the Confederate States. The object of the Commission, as defined by the report, would be to secure recognition for their government and to make treaties, offensive and defensive, with its allies. Beyond a general outline of purpose in its act, the Congress could not, under the Constitution, go. The Commission must become a function of diplomacy, whose scope the President, under the Constitution, must determine.

Contrary to his brother's counsel, Mr. Yancey consented to go, as the head of Commission to Europe, without those instructions which he confessedly esteemed essential to the success of its undertaking. President Davis, yet unembarrassed with many cares of office and yet without those personal prejudices, which beset the ruler of a free people,

passed his mind's eye over the interminable list of distinguished individuals known to him, personally, to find suitable individuals for his Constitutional advisers. His first, unannounced, selections were, in two examples, at least, eminently fortunate. To fill the most important of all the civil positions — Secretary of the Treasury — he selected the man who had more sedulously studied, in past years, public finances and national monetary systems than, perhaps, any American — Robert Toombs. The secret purpose to appoint Toombs to the office was, doubtless, suggested to the President's mind in memory of the fact that he himself had never devoted special attention to national monetary systems.\* The other of the two, unannounced but fortunate, appointments was, Judah P. Benjamin. From obscurity he had risen, rapidly, to the front rank at the bar, of the federal Supreme Court, and to a corresponding elevation among the orators of the Senate. "Full of accomplishments and sophistries, placid and smiling, his brow ever unclouded," it is strange he was not dispatched to European courts, there to labor for the cause of the unwelcome new nation. But, for a government never destined to have a judiciary, Benjamin was made Attorney General. Mallory, of Florida, long chairman of the Senate Committee on Naval Affairs, was made Secretary of the Navy, and Reagan, of Texas, Post Master General. The President suddenly cast aside the wisdom at which he had arrived in the contemplation of his Cabinet. Barnwell, of South Carolina, declined to become Secretary of State, and, with fateful facility, Toombs was assigned to the sinecure place. The problem then became less to find a worthy choice for the high place intended for Toombs and more to assign to South Carolina a given share of federal patronage. To Christopher G. Meminger, of South Carolina, was assigned the duties of Secretary of the Treasury. The President did not know him. He was not known beyond the confines of a narrow State. He was without experience to justify his promotion and without ability to sustain the honors thrust on him. He had opposed the movement in which the Confederacy had its origin. Mr. Walker accepted the War Office in a time of peace, when peace measures were being

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\* Rise and Fall of the Confederate Government: Dr. Craven's Prison Life of Jefferson Davis.



pressed, with, at least, an implied understanding that the President expected to assume practical control, in the event of war. Thus judged, he was competent.

I shall present now those alterations incorporated in the Permanent Constitution of the Confederate States from its model, the Constitution of the United States. Some of the number have been recommended, since the fall of the Confederacy, by Presidents of the United States, to Congress for submission to the reunited people for adoption. The most important political journal in the United States, of 1861, then advised the people of that Republic to adopt it as a basis of reunion—the New York *Herald*. Mr. Rhett was chairman of the Committee that framed the document; Toombs, Stephens and Rhett suggested and prepared most of the alterations; and certainly the more vital ones.

The new Preamble qualified the phrase, “We, the people,” in the original Preamble, to make the words imply their original meaning, reading: “We, the People of the Confederate States, *each State acting in its sovereign and Independent character*, in order to form a Permanent Federal Government.” The phrase, “general welfare,” found in the original, was wholly omitted. The words added were: “Invoking the favor of Almighty God,” etc.

Powers and restrictions, added or imposed upon the three branches of the government, were:

As to Congress—This branch was authorized to allow the heads of each Department of the Executive branch to appear upon the floor of either House for the purpose of explaining its estimates or recommendations. Congress could make no appropriations, save for the purposes and in the amounts specified by the heads of Departments. But appropriations, not so demanded, might be made by a vote of two-thirds of both Houses. And further to fix responsibility for public expenditures on the Executive branch, all bills providing appropriations, going to the President, he might approve any appropriation or disapprove of any appropriation in the same bill. The Post Office must be self-sustaining, after a date named. The Treasury must publish, at stated intervals, its receipts and disbursements, by items. Revenue might be raised by duties on imports, “to pay the debts, provide for the



Would Mr. Yancey improve the government of the Confederation? He would not grant no bounties, nor foster deep acknowledgment of duties on foreign imports; did not desire public works on general internal improvement, holding a seat in the Senate. Each State, by consent of the States, would prefer the duty on commerce in its harbor for the private capacity. The tax did not interfere with selection of one of the States. Congress might improve the head of the Commerce harbor, but it must reimburse the even before the impositions levied on the commerce of that appoint; expressing divided or flowed through two or more the latter. Mr. Yancey might unite to improve its having promised to admit new States, by a two as soon as his own Houses, the vote of the Senate being by after this conference and pass no act of bankruptcy to discharge application of the act prior to the passage of the act. This last Walker, for a period to quiet much dispute, arising from the (said the President the old Constitution, relating to the same places?" "I

Yancey. Executive—The President and vice-President

B. C. Yancey for six years and the President was not time Republic. The President might remove the officers of his by one or more, but removal, below that grade, must be was the Act of Congress, with the cause. No person nominated, and office and rejected by the Senate, could be that he should the President, in the intervals of the sessions of declined. The President might convene both Houses, or the House, extra session, at will, and could adjourn one or both, would be by proclamation. The powers of the Judicial Department were so altered submit of one State could not bring suit against citizens tion to the State, in the federal Courts. When the duties of a Confederal judge were confined to one State, the Legislature given. The President might impeach him for offences named in the federal ward. The Congress created the Department of Justice, under the direction of the Attorney General, and this government, by Congress, to be a long advance over the practical and. The provision of the Attorney General's office in the United States—labor of the provision of the Constitution, of 1787, allowing Congress to regulate elections for members of Congress, was

retained, and to the restriction, relating to non-interference with the "places" of electing Senators, "times" of electing Senators was added. Three States, by Conventions, might demand a Convention of States to alter or amend the Constitution, but Congress could not suggest alterations, and the federal Convention must determine whether the State ratifications should be by ordinance of Convention of the people or by act of Legislature. The African slave trade was forever prohibited. Congress might prohibit the introduction of slaves from States, not members of the Confederacy. These reforms were intended to elucidate the American idea contained in the resolutions of Patrick Henry, of 1765.

After Mr. Lincoln's Administration was fully organized, Mr. Douglas readily discovered the radical changes of Administration policy toward the South, which would be pursued at the earliest practicable moment. He yet remained the true friend of the South, as he conceived his opportunity to be; he was yet the resolute defender of the Constitution, as he deemed a defense of it possible, amidst his environments. March 15, 1861, he introduced in the Senate resolutions of the most conservative nature. They were the reflex of his motives, in the past. Their fate, and the counter course of the first Republican party Administration, will remain the most interesting testimony that Yancey and Douglas, of all leaders, understood their times. They were the architects; the workmen, of their following, respectively, placed the parts of the structure, knowing not the plan of the builder. The resolutions of Mr. Douglas declared for peace; declared the forts held near Charleston, Savannah, Pensacola, Mobile and New Orleans should be evacuated by the United States. In his speech he said the land on which the forts were built was ceded to protect, first, the States who were no longer represented in the Union. He would not surrender Fort Taylor, at Key West, or Fort Jefferson, at Dry Tortugas, for these were positions of a general defensive character to all the States, but the United States would have no excuse for holding the other forts, intended to protect the States now of the Southern Confederacy, unless the United States intended to begin a war of subjugation. "We are for peace," he exclaimed, meaning his following in Congress.

Secretary of War, Walker, soon received applications for military duty from organized companies, and battalions and individuals, in all numbering largely more than three hundred thousand men. States, counties, towns, neighborhoods and individuals equipped and armed individuals, companies and regiments for the field without the assistance or the consent of government. Z. C. Deas, later Brigadier-General, a cotton broker, of Mobile, armed with new rifles of the best pattern, at his own expense, the Twenty-second Alabama Infantry, commanded by himself. N. B. Forrest, of Memphis, later Lieutenant-General, armed at his own expense a battalion of six hundred cavalry. William R. Miles, of Mississippi, raised and armed and equipped at his own expense a legion and became Brigadier-General in command of it. Wade Hampton, of South Carolina, later Lieutenant-General, raised and armed a legion at his own expense. Neighborhoods fed men and horses at recruiting stations to the value of thousands of dollars without the knowledge or consent of the government.

Congress deliberated in secrecy. The press reflected the energy of the people in warlike preparations, devoting small attention to affairs of government. The contact of the people with the President ever exalted him in their eyes. No public utterances surpassed his in fervor and devotion. All who saw him and heard him left him, fascinated by the tone of his resolution and inspired with the glowing ardor of his sentiments. But the President's health, always precarious, soon began to fail.

Mr. A. Dudley Mann, distinguished in commercial pursuits and Mr. P. A. Rost, of Louisiana, were appointed Associate Commissioners to Europe with Mr. Yancey. Mr. Fearn, of Alabama, a young gentleman of previous experience in the duties incumbent on the office, was made Secretary of the Commission. Besides providing for this Commission, the Congress, undeterred by the repulse of the efforts of the separate seceded States to adjust their accounts and establish friendly relations with the United States, passed a resolution, before the arrival of the President, providing that:

"A Commission of three persons be appointed by the President-elect, as early as may be convenient after his inauguration, and sent to the government of the United States of America for the purpose of

negotiating friendly relations between that government and the Confederate States of America, and for the settlement of all questions of disagreement between the two governments upon principles of right, justice and good faith."

Messrs. John Forsyth, Martin A. Crawford, of Georgia, and A. B. Roman, of Louisiana, were appointed, and set out immediately. Mr. Seward authorized Justice John A. Campbell, in view of that gentleman's intimacy with the Commissioners, and his well known sentiments of hostility to the Southern movement, to assure the Commissioners that, while he would not receive them officially, he was anxious for peace :

"Fort Sumter will be evacuated (wrote Justice Campbell) in less than ten days, even before a letter can go from Washington to Montgomery; as regards Fort Pickens, notice will be given of any design to alter the status there."\*

Hearing of the visit of the Commissioners, and suspicious of the purpose of Mr. Seward, the Governors of seven States, controlled by the Republican party, hurried to Washington, and, waiting on the President, succeeded in effecting a reverse policy to peace. Justice Campbell, in turn, growing suspicious of the presence of the visiting Governors at the State Department, while a fleet of seven ships, carrying 285 guns and 2,400 men, was being prepared, in great haste, at New York and Norfolk, to sail under sealed orders, demanded of Mr. Seward re-assurance. Mr. Seward replied: "Faith as to Sumter fully kept; wait and see." But, before Mr. Seward's reply had been written, the fleet had not only sailed, but was near Charleston harbor. Upon the discovery of the deception, the Commissioners notified Mr. Seward that the course of his government was equivalent to a declaration of war against the Confederate States and forthwith started on their way home. Justice Campbell resigned his seat on the Supreme Court, and repaired to Alabama, with unfeigned reluctance.

In the month of March, the Commissioners appointed to go to Europe waited yet, at Montgomery, the instructions of their government. Their government waited, on the hopes inspired by Mr. Seward's correspondence, indirectly, with the Commissioners at Washington. Toombs, Secretary of State, Rhett,

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\* Letter of John A. Campbell to the Commissioners, dated Washington, March 15, 1861.

chairman of the Committee on Foreign Relations, and Yancey, head of the foreign embassy, expected nothing from Washington, which could justify the neglect of high diplomacy at the governments of the commercial powers of Europe. There was, however, a strong feeling in Congress favorable to holding open to the United States the first advantages in the diplomacy of the Confederate States. Nor was this feeling confined to Congress. It appeared in argument made by one of the most distinguished citizens and politicians of the Alabama Secession Convention — W. R. Smith; it soon recommended itself to the mind of, at least, one of the Commissioners to Europe.\* There were indications that it had received the President's sanction. It had been determined that the Commissioners should sail from New Orleans, on March 31; and they were on mid ocean when the Commissioners at Washington discovered, in the early days of April, that an armed fleet, clandestinely dispatched to relieve Fort Sumter, had cut off all hope of diplomacy with the United States.

The Confederate States never had a foreign policy nor did the government ever consent to attempt a high diplomacy with European powers.† In the early months of the life of the Confederacy the Chief Executive devoted his labors, almost exclusively, to the minor, perfunctory tasks of his office. He was betrayed by the enthusiasm of the people, ignorant of the real state of affairs, into a fatal self-contentment. A suggestion came to Montgomery, and was submitted to Secretary Mallory, to the effect that an entire fleet of iron ships, six in number, as good as new, built for the East Indies trade, could be purchased at that moment in Liverpool for \$10,000,000 that cost \$20,000,000 to build, and that, at small cost, the ships could be converted into armed cruisers, capable of holding open at least one of the Confederate sea ports; and capable, as to the remainder of the fleet, not so employed, of destroying the entire merchant marine, on the high seas, of the people of the United States. Mr. Mallory, knowing the utter inefficiency into which Secretary Meminger's Department had fallen, or rather the virtual failure of that officer to organize a financial system, omitted to communicate to the President his

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\* Rost's letter to Yancey.

† Remark of James L. Orr, chairman of House Committee on Foreign Relations, Confederate Congress.

opportunity, quite assured that the want of funds would be the plea of Meminger, sustained by the head of the government. The President, therefore, remained in ignorance of so important a consideration of the hour.\* The Treasury administration was, from the outset, a block to the naval and military administrations. Weeks before the Commissioners to Europe sailed, a foreign policy, based on the experience of the States during the revolutionary war, was very earnestly pressed upon the attention of the Congress and the Executive. The treaty made by Dr. Franklin, Silas Deane and Arthur Lee, in 1778, was an indispensable condition to the success of the American Confederation, striking to establish its Independence. In 1861, it was urged, that the Confederate States had inducements to offer to England and France of incomparably greater importance than the American Confederation offered, successfully, to France and Spain in the revolutionary war. No money, no gifts, loans or endorsements, as were granted to the States by their allies, of 1778, were proposed in the example of the Confederate States. The Confederate States neither desired, or required, more than the right to sell in friendly markets the annual surplus products of its agriculture. The Commissioners, of the earlier period, went to Europe empowered to negotiate, as best they might, to assist their government over a recognized crisis in its life; to encourage a practical reciprocity of benefits by solemn and honorable treaty. The Commissioners of the later period went to Europe expressly forbidden to engage the attention of the great powers with suggestions of practical reciprocity of benefits, by treaty. Franklin, Deane and Lee were granted a wide field of enterprise, their government anxious only to gain relief and recognition, on terms becoming to its honor; Yancey, Mann and Rost were only bearers of information of the great importance of the commerce of their government; of its moral right to a place in the family of nations. Distinguished citizens, some as general, others as special Commissioners, were sent to Europe at various times by the Confederate government, but the tenor of no instructions given to them ever reached to an

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\* A merchant, Mr. Trenholm, of a long established house of Charleston, having a Liverpool connection, made the visit to Secretary Mallory revealing the project of purchase of the iron ships. (See *Century Magazine War Papers*, 1887.) In an article in the *North American Review* Mr. Davis denied all knowledge of it.

appreciation of diplomacy. Undoubtedly, the conduct of the financial affairs of the Confederacy and the resolute neglect of its government to engage in a diplomacy, consistent with its origin and intelligence, were deliberate acts, founded upon a narrow understanding of the character and resources of the Northern people. It was determined to stamp a great deal of paper, for currency, then to issue bonds in purchase of cotton, leaving the cotton on the plantations, although the ports were wide open then and for a year later. It was supposed the United States would fall into bankruptcy, within a twelve-month. That class of politicians who, at the outset, demanded no restrictions on trade between the two Confederacies believed a lasting peace could be established between them by means of the cotton held by the one and necessary to the prosperity of the other. The other class argued that, a sound statesmanship required the Confederate States to put itself in position to accept or reject an alliance with the United States, as its positive interests required; and that, under existing circumstances, the friendship of the powers of Western Europe should be first secured. Nothing was sought, by the masses who resorted to secession, but security from the Republican party domination of the Union. Until Unionists of the South should comprehend the menace of subjugation, held out by the war party of the North, they were quite in the intellectual position of those numerous colonists of the revolution, of 1774, who were ready to accept the repeal of the Stamp Act as a guarantee of Constitutional government; who were ready to accept the order of government reducing the import tax on tea, for the colonies, as satisfaction of the American complaint.\* Patrick Henry, Jefferson, Otis, Adams demanded the renunciation of the right of Great Britain to tax America, and, on the same fundamental principle, the issue of the slave States was made up, in 1861.

The chairman of the Committee on Foreign Relations matured a plan of Confederate diplomacy, contained in these several propositions:

1. A treaty of commercial alliance, involving reciprocal obligations offensive and defensive, should be offered to England and France, to continue not less than twenty years, with

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\* Milledgeville speech of A. H. Stephens, November, 1860: Letter of A. H. Stephens to Abraham Lincoln.



the Confederate States, conditioned on their recognition as an independent power. During the continuance of this treaty the Confederate States would impose an import duty, not higher than twenty per cent., *ad valorem*, on the importations passing through its custom houses from Great Britain and France; that no tonnage duties, except for the purpose of maintaining harbors and rivers, should, in the continuance of the treaty, be imposed by the Confederate States, or in its ports; that the European parties to the treaty should enjoy the privilege of the coasting trade of the Confederate States free, subject only to police regulations imposed by the several States, each in its own capacity;

2. That a discriminating duty of ten per cent. should be imposed by the Confederate States upon the importations of all kinds, from nations refusing to accept the stipulations above cited;

3. That the Commission be empowered, as in the example of Franklin, Dean and Lee, to make a league, offensive and defensive, with special guarantees, to defend the North American possessions, for example, of Great Britain. But this authority must not be exercised hastily.

These arguments were made known in due time to the President and it was hoped they would be incorporated in the instructions of the State Department to the Commissioners. Indeed, Mr. Toombs had overcome his extreme reluctance to accept the Secretaryship of State in the expectation that some such instructions would be allowed from the office. A few days before the Commission took its departure, Mr. Rhett, meeting Mr. Toombs on the staircase of the Exchange Hotel, inquired concerning the character of the instructions to the Commission, on the points he had discussed in the Congress in the presence of Mr. Toombs. The Secretary replied, the President had not embraced the points in any conversation with him. Rhett hastened to Yancey. Had he been instructed to negotiate commercial treaties with European powers? Mr. Yancey had received no intimation from any source that authority to negotiate commercial treaties would devolve upon the Commission. "What, then, (exclaimed Rhett), can be your instructions?" The President, Mr. Yancey said, seemed to be impressed with the importance of the cotton crop. A



considerable part of the crop of last year was yet on hand and a full crop would soon be planted. The justice of the cause and the cotton, so far as he knew, he regretted to say, would be the basis of diplomacy expected of the Commission. "Sir, (rejoined Rhett), you have no business in Europe. You carry no argument which Europe cares to hear. Unless you shall have it in your power to arrest attention there by some great and lasting offer of practical advantage to the governments and peoples there, to compensate them for the risks they must incur in receiving you and recognizing your government, you can do nothing worthy of your time. The United States has warned all Europe against your coming, and Europe will not offend the United States merely to exalt the virtue of your government. My counsel to you as a friend is, if you value your reputation, to stay at home or to go prepared to conciliate Europe by irresistible proffers of trade."

The uninstructed Commissioners sailed for London. The Congress adjourned. The fleet ordered to provision and reinforce Sumter was delayed, off the bar of Charleston, by a protracted storm. Beauregard, advised of its approach, bombarded and captured Sumter, before its arrival. Lincoln called for seventy-five thousand volunteers to subdue the South. Virginia, in response to a demand for her quota of troops for the United States army, seceded and joined the Confederacy. The President of the Confederate States called Congress to reassemble. The chairman of the Committee on Foreign Relations appealed to Congress. He offered a resolution, respectfully directing the attention of the Executive and requesting the President to instruct the Commissioners. The Secretary of State was in full sympathy with the chairman of the Committee. The Committee invited the Secretary to appear before it. After hearing his argument, a report was prepared unanimously indorsing the views of the chairman and the Secretary, favoring instructions to the Commissioners for a most liberal treaty.

When the report came up in Congress, Mr. Perkins, from Louisiana, Whig and Unionist, moved to reduce the stipulation of twenty years enjoyment by foreign powers, to six years; the manufactures of the Confederacy would be extinguished, in twenty years competition with Europe; "the purse

of a nation is the conscience of a nation," and England could not afford to reduce her manufacturing classes to starvation for want of American cotton ; France would follow the lead of England ; most of all, such a treaty would be premature, for, as yet, there was no hindrance to the peaceful life of the Confederacy.

Mr. Rhett replied that, a treaty was the best security of the continued peace of the Confederacy ; that the natural commercial allies of the Confederate States, and the natural commercial rivals of the United States, should be the beneficiaries of a liberal treaty. An enemy should be assailed on his most vulnerable point. The United States was exceedingly anxious lest it should lose free trade with the States of the Confederacy. European nations would require at least twenty years guarantee, in a treaty, securing such vital relief to the Confederate States as that proposed. The experience of the United States and of Great Britain had shown that, twenty per cent., *ad valorem*, import duty was a revenue standard. It was not improbable that the war would continue six years, if the preparations, then going on, indicated the hostile temper of the two Republics. The twenty years limit would allow the Confederate States time to recuperate from the sacrifices of war, while enjoying the friendship of nations able to supply every want. True as it might be, that European goods brought under the proposed treaty, through the ports of the Confederate States, would be smuggled through the long frontier into the United States, the manufacturers of the United States would thus be made to suffer, in the competition of foreign products, without any important injury to the people of the Confederate States. He could not concur with the gentlemen who would have the Secretary of the Treasury authorized to buy cotton, on interest bearing bonds of the Government, and issue a paper currency while the cotton remained on the plantations ; nor accept this financial system in preference to a treaty which would make the cotton, deposited in Europe, the basis of a perfect currency. He was apprehensive that England, especially, was in no mood to contemplate a course of conduct, in the Confederate States, which would assist the United States to close the cotton ports. But if the cotton ports of America should be closed, England would engage in a

determined effort to cultivate cotton in India and elsewhere, and, enterprise once begun in that direction, it would be her policy to discourage trade with the Confederate States to the utmost.

Mr. Perkins' amendment to the report of the Committee, substituting six years for "twenty years," was adopted. Mr. Rhett rose to say that, in his opinion, the amended resolution would excite only the derision of foreign powers. He would move to lay the whole subject on the table; and to this the Congress gave its ready assent.\*

The President did not appreciate the argument of the Secretary of State and the Chairman of the Committee on Foreign Relations. Many years later he revealed the purpose he had in view, when dispatching the Commission to Europe, and explained what he expected :

"If we were independent States (he wrote) the refusal (of European powers) to entertain, with us, the same international intercourse as was maintained with our enemy, was unjust. \* \* Neither was it in accordance with the high moral obligation of that international code, whose chief sanction is the conscience of sovereigns, and the public opinion of mankind, that those eminent powers should have declined the performance of a duty, peculiarly incumbent on them, for any apprehensions of the consequences to themselves."†

The vice-President took a widely different view — a view eminently practical. The planters, too, came to the capital with proffers of cotton, the remnant of a crop on hand and the full crop growing. Speculators were not yet known. Merchants and bankers were ready to support the fortunes of the new government. Vice-President Stephens urged that, there was a sufficiency of cotton in sight, and in contemplation, to prepare an army to hold the frontier slave States, where the army could be fed and the farmers reap their reward in feeding it, while the cotton States, raising an abundance of provisions for their own consumption, might produce, at least, half a cotton crop. It was quite to be expected that the government might purchase, without delay, vessels enough not only to cripple the marine commerce of the United States, but to hold open at least one sea port of its own. Vessels

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\* I am indebted to a very valuable unpublished history written by Hon. R. B. Rhett, Deputy to the Congress, a fragment of which was submitted to me by his son, Colonel R. B. Rhett.

† Rise and Fall of the Confederate Government, Vol. II., p. 369.

might be bought to convoy the Confederate commerce across the sea. The vice-President declared that, cotton was not a political but a commercial "king"; that a vigorous war policy would devote the slave labor in the cotton States to the production of the staple, and would so dispose of armies as to receive the benefit of slave labor in the grain producing States; that cotton stored in Europe, on account of the Confederate government, would appreciate in price, sufficient to cover the cost of money advanced on it, and that the staple so stored would become "the basis of the soundest currency in the world."

Secretary Meminger resisted all argument addressed to a vigorous war policy, sustained by the Treasury. He was unwilling to take the cotton from the planters, fearing the political effects at home. There was, as yet, no trouble with the government currency; there would probably be none; cotton, stored by the government on the plantations, was a basis of currency, and the removal to Europe would not augment its value; it was not probable the troops, already armed, would all be required; the moment cotton began to go out of the ports of the Confederacy, the United States would make the blockade effective, and it was not probable Europe would send ships for the staple, even should we store it at the sea ports. He considered cotton, on the plantations, in position to justify diplomacy with all commercial nations, whose friendship the Confederacy would need, but this advantage, safe as it was then, would be liable to impairment, should the cotton be consigned to English warehouses.

Toombs, in despair of making operative his Department, resigned after five months and took active service in the field as Brigadier-General. Walker, convinced that inadequate steps would be taken to arm and equip the troops in the field, and ready to take the field, resigned and accepted a commission as active Brigadier-General. The best informed soldiers grew apprehensive, on account of the feebleness of the government. General Bragg, writing from Pensacola, declared the future of the Confederate struggle depended on the selection of a competent Secretary of War.\*

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\* Life of Albert Sidney Johnston.

It became, soon, common talk that all cotton on hand in the Confederacy ought to be destroyed, by the government, and notice given to England that no crop would be planted, in the future, until the recognition of the Confederate States was allowed by that power. A discriminating tax was put on cotton production.

Messrs. Yancey and Rost, accompanied by Secretary Fearn, arrived at London, April 29. Mr. Mann had chosen a different route, and reached the same destination, May 15. Before the arrival of Mr. Mann, Hon. W. L. Gregory, M. P., arranged an informal interview for the Commissioners, already arrived, with her Majesty's Secretary of State for Foreign Affairs, Lord John Russell. The interview was entirely satisfactory to the Commissioners. Lord John asked to be informed concerning the physical character of the Confederate States, the military and industrial resources of the country. The Commissioners assured his Lordship that their government would recognize neutral rights and property of neutrals to the extent which the most liberal nation could require. Lord John gave close attention to the recital of the treatment the Commissioners of the Confederate government, to the United States, had received from Mr. Seward. His Lordship was reminded of the Declaration of Paris, which required a blockade to be "effective" to be entitled to respect, a rule which would leave every Confederate port open to the world. At the termination of the interview, his Lordship promised that a meeting of the Cabinet would take the matter, brought up, into consideration and it was probable his government would confer with the powers of Western Europe, but he was unable to encourage the hope that the Commission would have an early answer.

Three days later, Lord John spoke in the House of Commons, in answer to a question of previous notice. He said the government had "reached the opinion that the Southern Confederacy of America, according to those principles which, to them, seemed to be just principles, must be treated as a belligerent." In the House of Lords, a few days later, in interesting debate it was declared, the United States could not be allowed to treat the privateers of the Confederacy as pirates.

Mr. Rost repaired to Paris. He was politely received by Count de Morecy, the adviser of the Emperor. Here, too, political parties embarrassed the American policy of the government. The Imperialists seemed not adverse to the claims of the Confederacy, but both the Orleanists and the Red Republicans looked to the unity of the American people as a counterpoise to the power of Great Britain. Mr. Rost could discover no unfriendly feeling, of the Emperor, towards the Confederacy, but was made aware of his disinclination to act at that time and alone.

The Commissioners were impressed with the advantage to them of the abortive pledges of Mr. Seward, to restore the Union in ninety days, while the press of the United States, and emissaries of that government abroad, spread the pledge into all parts of Great Britain and the Continent. Under date June 1, they dispatched to their government:

"The effect has been most decidedly to injure the position of the United States and especially to excite British antagonism. So evident is this state of sentiment that the Commission has studiously avoided all public discussion even while they industriously strive to enlighten public opinion. They believe their conduct has been appreciated where it was desired to take effect."

The neglect of the Commission by their government embarrassed its official work. While the neglectful course of their government checked them at every point, the reverse conduct of the United States towards its agents was seen to be fruitful of the best results. The Commission had received no funds, even to defray their personal expenses. No messengers were allowed to them, no secret agents, no influence could be exerted by them, in the many ordinary and legitimate uses of feed assistants in the work of diplomacy. The United States, however, with a vigorous conduct of its Treasury Department, sent numerous agents to all parts of Europe to influence public opinion, supplying them with abundant means. Orators were sent and newspapers employed to exalt "the war against slavery," in the manufacturing towns. Mr. Seward opened direct correspondence with military men on the continent, stipulating for their services, and, even, offered the command of the principal army of the United States to a European.\* Nothing was left undone which money and

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\* McClellan's Own Story.

flattery could accomplish to enlist the sympathies of Europe for "the war against slavery." The metropolitan press of the United States were required to publish news especially adapted to European circulation, and large sums of money were sent by the government to distribute those papers. Meanwhile, notwithstanding the appeal of the Confederate Commission for Confederate accounts of preparations for defense and of battles fought, their government passed them by unheeded. Libraries, club rooms, hotel rooms, numberless public places were abundantly supplied with the newspapers of the United States, and from these, only, did news from the Confederate States reach the foreign view.

The gentlemen of the Commission were politely received by individuals in foreign countries, but no official entertainment of them was permitted by the authorities. The Minister of the United States, Charles Francis Adams, encouraged by this incident, required of Lord John Russell that the oral interviews heretofore held by him with the Confederate Commissioners should cease. July 15 the Commissioners reported to their government:

"The relations between Mr. Adams and the British Cabinet are not entirely amicable or satisfactory to either, and, both in his diplomatic and social relations, Mr. Adams is held a blunderer. Our own course has been to avoid calling attention here to this state of affairs, leaving the mistakes of our enemies to their full effect. Any other course would have excited Northern emissaries to divert attention to us."

Mr. Adams, however, succeeded in breaking off the personal meetings of Lord John Russell with the Commissioners. Upon this a difference of opinion among the members of the Commission arose. Mr. Yancey thought the concession of Lord John to Mr. Adams' demand was in violation of the rule of neutrality, to which the British government had pledged itself. Written communications, which Lord John was still willing to accept, were, as Mr. Yancey argued, not a fair substitute for oral communications and personal interchange of argument. Neither could the cause of the Confederacy, under the circumstances, be adequately explained in writing or the tone and temper of the British government toward it be discovered. Mr. Yancey urged that the Commission should respond to Lord John's notice of suspension of his accustomed interviews with it by a moderate but firm protest,



consistent with the dignity of their government. The other Commissioners objected to a protest and the matter of difference was referred to the government at Richmond.

July 15, the Commission reported that Mr. Rost had succeeded in obtaining an informal interview with M. Thouvenal, French Minister of Foreign Affairs. The government of France entertained a sincere desire to see peace restored in America and would join other powers of Europe in such measures as might be agreed upon, but the imperial interest was first to be looked for in European politics. The French consuls had reported a full cotton crop about to be harvested and that there had been no important invasion of any part of the Confederacy. French interests had not been molested in any of the States. Mr. Yancey at once repaired to Paris to join Mr. Rost. Upon inquiry, as best he might, he became convinced that the emperor entertained no feeling hostile to the Confederacy and only awaited the action of the British government.

“From information derived from very reliable sources (said a dispatch of the Commission from Paris) we are of the opinion that the governments of Spain, Belgium and Denmark entertain towards the Confederate States the most friendly feeling, and are ready to recognize their independence so soon as England and France shall determine to do so. \* \* We think the opinion is general among the best informed Englishmen, who deny the right of secession and refuse to justify its exercise, that the great principle underlying the contest, by which it should be judged, is the principle of self-government. They do not hesitate to declare that eleven great commonwealths united, have the revolutionary right to throw off the government of a Republic which they consider injurious to their best interests and to set up another. To deny this right is, they say, to impeach the Declaration of 1776. \* \* The opinion once prevailing here, that there was a considerable party in the Southern Confederacy favorable to reconstruction of the late Union, has given way before the march of events. In consequence, the desire is universal that an early peace shall prevail and that England, when occasion offers, shall tender her mediation. \* \* We are yet fully satisfied of the correctness of the opinion heretofore advanced by us, that the recognition of the independence of the Confederate States is considered both in England and on the continent as a question merely of time. The unity of our population in defense of their government has been satisfactorily proven. This fact, taken in connection with the recognized wisdom of the statesmanship of the Confederacy, has led to the condition of public sentiment favorable to us.”



flatter them. They failed to receive funds from  
for they had cause of complaint in other  
the frequent calls made on them in Europe  
at vessels entering and clearing the  
and not receive answer for the want of  
action from their government:

They wrote) that fails to bring demands upon  
weight and influence, who require information  
agency of the blockade, with which to swell the  
movement. Unfortunately we have been compelled  
times with the reply that, 'we hope to be able to  
best advices.' The impression here is that, England  
demonstrated in strong terms and protested against  
a stone fleet in the marine channel off Charleston. It  
interfere to the extent of a demand for an armistice.  
will be brought forward in Parliament at an early  
rise to heated discussion."

Commission continued to urge a more constant corre-  
their government with itself, and pressed their  
to appreciate the activity of the United States, by  
agents well paid and a thorough distribution of pro-  
the press, calculated to excite prejudice in every  
Europe against the Confederacy, the prowess of its  
the perseverance of its people. To facilitate  
action with its government, the Commission urged  
establishment of a secret line, one end fixed in Canada and  
a frontier post of the Confederacy. Expense  
heavy, and the risk would be considerable, but not  
to deter an enterprise on whose success so much  
Indeed, evidence abounds confirming the most  
attempts of the Commission to obtain information in  
limited lines prescribed by their government.

August 7, Lord John Russell addressed a note to the  
commissioners, intimating his desire to receive from them a  
an explanation of the alleged right of their government  
recognition by her majesty's government. Two of the  
commissioners, Messrs. Yancey and Rost, replied the next  
day, Mr. Mann being in Paris, promising to prepare the doc-  
ument requested. Mr. Mann returned, and the next week the  
document was submitted to his Lordship. The  
original draft is in the handwriting of Mr. Yancey. The

argument presented was limited to the tenor of the instructions of the President. Upon the reasoning of this document, and its facts, the cause of the Confederate States will stand at the bar of history. The methods of practical administration of that cause bring up another view of the question, not possible of full consideration in these pages.

## THE PLEA FOR RECOGNITION.

“LONDON, August 14, 1861.

*“Right Honorable Earl Russell, Her Majesty’s Principal Secretary of State for Foreign Affairs :*

“The undersigned, as your Lordship has already on two occasions been orally and unofficially informed, were appointed on the 16th of March last, a Commission to Her Britannic Majesty’s Government by the President of the Confederate States of America.

“The undersigned were instructed to represent to your Lordship that seven of the sovereign States of the late American Union, for just and sufficient reasons and in full accordance with the great American principle of self-government, had thrown off the authority of that Union and had formed a Confederacy, which they had styled ‘The Confederate States of America.’ They were further instructed to ask her Britannic Majesty’s Government to recognize the fact of the existence of this power in the world, and also to inform it that they were fully empowered to negotiate with it a treaty of Friendship, and of Commerce and Navigation.

“At an early day after the arrival of the undersigned in London, at an interview, which your Lordship was pleased to accord them, they informed your Lordship of the object of their mission, and endeavored to impress upon your Lordship that the action of seven Confederate States had been based upon frequent attempts on the part of the Federal Government, and of many of the more Northern States which composed the late Union, during a series of years extending over near a half century, to rule the people of the Southern section of that Union by means of an unconstitutional exercise of power, and that secession from the Union had been resorted to as, in the opinion of the people of the seceded States, the

best and surest mode of saving the liberties which their federal and State Constitutions were designed to secure to them. They also endeavored to place before your Lordship satisfactory evidence that the justice of this great movement, upon the part of the cotton States, was so palpable that it would be endorsed by many, if not all, the Southern States then adhering to the Union, who would be convinced sooner or later that the security of their rights could only be maintained by pursuing the like process of secession from the Federal Union and of accession to the Constitution and government of the Confederate States of America. They were especially desirous of convincing your Lordship, and laid before your Lordship reasons for their belief that, the people of the Confederate States had violated no principle of allegiance in their acts of secession, but, on the contrary, that they had been true to that high duty which all citizens owe to the sovereignty which is the supreme fount of power in a State, no matter what may be the particular form of government under which they live. They were careful to show to your Lordship, however, that the idea of American sovereignty was different from that entertained in Great Britain and Europe; that, whereas, in the Eastern hemisphere, sovereignty was supposed to exist in the government, the founders of the North American States had solemnly declared, and upon that Declaration had built up American institutions, that, 'governments are instituted among men deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends (security to life, liberty and the pursuit of happiness) it is the right of the people to alter or to abolish it and to institute a new government.'

"The undersigned assumed it be incontestable, in order to give practical utility to this Declaration, that, the people declared to possess the right to alter or abolish oppressive government must be the 'people' whose rights such government assailed or no longer protected. Whether government should be administered by one tyrant or by the more heartless and equally effective despotism of a sectional and tyrannical majority of the people, could make no difference in the application of the principle asserted in the Declaration. And when the people who thus act in abolishing their form of

government are not mere self-constituted assemblages of disaffected individuals, but the sovereign people of great States, possessing separate Constitutions and legislative and executive powers, acting in the manner prescribed by those Constitutions and taking votes under form and by virtue of law — the minority yielding cheerfully to the decision of the majority, as to the question of redress — it becomes clear that, whatever might be European views as to such action, if developed in Europe, the seceding States are justified by the great American principle of self-government, proclaimed by their ancestors in 1776. The undersigned submitted that, so far from the principle of American allegiance having been violated by the people of the seceded States, in those States alone is that principle upheld as a living truth, whereby the actions of men claiming to be representatives of the men of 1776 are to be guided and justified; and that the people and government of the States upholding Mr. Lincoln, in his war upon the Confederate States, are alone the traitors to that great political truth, and as such must be adjudged by an impartial world. In connection with this view, the undersigned explained to your Lordship the unity, the deliberation, the moderation and regard for personal and public right, the absence of undue popular commotion, during the process of secession, the daily and ordinary administration of the laws in every department of justice, all of which are distinguished features of this great movement. They expatiated upon the extent of fertile country over which the Confederate States exercised jurisdiction, producing every variety of cereals necessary and in ample quantity for the support of their inhabitants; to the great value of the products of cotton and tobacco grown by them; to the number and character of their people; and they submitted to your Lordship that these political and material facts demonstrated to the nations of the world that the action of the Confederate States of America was not that of rebels, subject to be dealt with as traitors and pirates, by their enemy, but was the dignified and solemn conduct of a belligerent power, struggling, in wisdom and energy, to assume a place among the great States of the civilized world, upon a broad and just principle which commended itself to that world's respect. The undersigned have witnessed with pleasure that the views

which, in their first interview, they pressed upon your Lordship, as to the undoubted right of the Confederate States, under the law of nations, to be treated as a belligerent power, and the monstrous assertion, of the government of Washington, of its right to treat its citizens found in arms upon land or sea as rebels or pirates, have met with the concurrence of Her Britannic Majesty's Government; and that the moral weight of that great and Christian people has been thrown into the scale to prevent the barbarous and inhuman spectacle of war, between citizens so lately claiming a common country, conducted upon principles which would have been a disgrace to the age in which we live.

"The undersigned received, however, with some surprise and regret the avowal of her Britannic Majesty's Government that, in order to the observance of a strict neutrality, the public and private armed vessels of neither belligerent should be permitted to enter Her Majesty's ports with prizes. The undersigned do not contest the right of the British government to make such regulations, but had been disposed to think that it had been unusual for Her Majesty's Government to exercise such right, and, in this instance, the practical operation of the rule has been to favor the government at Washington, and to cripple an undoubted right of the government of the Confederate States. The government of the Confederate States commenced its career entirely without a navy. Owing to the high sense of duty which distinguished the Southern officers, who were lately in commission in the United States navy, the ships which, otherwise, might have been brought into Southern ports were honorably delivered up to the United States government, and the navy built for the protection of the people of all the States is now used by the government, at Washington, to coerce the people and blockade the ports of one-third of the States of the late Union.

"The people of the Confederate States are an agricultural and not a manufacturing or commercial people. They own but few ships. Hence, not the least necessity has impelled the government at Washington to issue letters of marque. There is no considerable number of ships or much commerce belonging to the Confederate States upon which private armed vessels may operate. The commodities raised in the Confederate

States are such as the world needs, more than it needs any others, and the nations of the earth have heretofore sent their ships to our wharves and in our ports their merchants have bought and received our cotton and tobacco. But it is far otherwise with the people of the present United States. They are a manufacturing and commercial people. They do a large part of the carrying trade of the world. Their ships and commerce afford the sinews of war and keep their industries prosperous. To cripple their ships, or cause them to be dismantled and tied up to rotting wharves, are legitimate objects and means of warfare. Having no navy and no commercial marine, out of which to improvise public armed vessels, to any extent, the Confederate States were compelled to resort to the issuance of letters of marque — a mode of warfare as fully and clearly recognized by the law and usage of nations as any other; and, most assuredly, more humane and more civilized in practice than that mode of warfare which appears to have distinguished the march of the troops of the government of the United States upon the soil of Virginia. These facts tend to show that, the practical working of the rule that forbids the entry of public and private armed vessels, of either party, into British ports, with prizes, operates exclusively to prevent the exercise of this legitimate mode of warfare by the Confederate States, while it is, to a great degree, protection to the commerce and ships of the United States. At the interview, already alluded to, as well as at one of a similar character at a later date, held between your Lordship and the undersigned, the undersigned were fully aware of the relations of anxiety existing between Her Britannic Majesty's Government and the government at Washington, and of the peculiar embarrassment into which those relations might be thrown if her Majesty should choose to recognize the government of the Confederate States of America, before some decided exhibition of ability, on the part of the government of the Confederate States, to maintain itself had been shown. Therefore they did not deem it advisable to urge an immediate decision, upon so grave a question, but contented themselves with a presentation of the cause of their government and have quietly waited upon events to justify all that they had advanced—in the hope that Her Britannic Majesty's Government would eventually

come to the conclusion that, the same sense of justice, the same views of duty, under the law of nations, which caused it to recognize the *de facto* government of Texas, while yet a superior Mexican army was contending for mastery upon its soil, to recognize the *de facto* governments of the South American Spanish Republics, while Spain still persisted in claiming to be their sovereign, and to recognize the *de facto* governments of Greece, of Belgium and of Italy would induce it to recognize the government of the Confederate States of America, upon the happening of events which displayed its power to maintain itself.

“The undersigned assure your Lordship that the Confederate States desire no aid in this contest for their liberties against a usurping government, other than such as it is entitled to under the law of nations. They desire no arms to be raised in their defense, but those of their own people. They desire no resources to be gathered in their behalf, but such as are legitimately to be derived from their own industry. No matter what the disparity of military numbers, they are ready and amply prepared to defend their rights, and they entertain a deep seated and abiding confidence that success will attend their efforts. At all events, reconstruction is impossible. The brief history of their career confirms them in this belief.

“Since the organization of the government of the Confederate States, in February last, and since Mr. Lincoln assumed the reins of government, in the United States, and commenced preparing for his aggressive policy against the Confederate States, the moral weight of their position and cause, aided by the unconstitutional action and policy of the new President and his Cabinet, have caused four other great States, viz.: Virginia, North Carolina, Tennessee and Arkansas, containing about four million five hundred thousand inhabitants and covering an extent of valuable territory, equal to that of France and Spain, to secede from the late Union and join the Confederate States. The inhabitants of three other principal States, viz.: Maryland, Kentucky and Missouri, are now agitated by the throes of revolution and a large part of them are rising in arms to resist the military despotism which, in the name of the Constitution, has been so ruthlessly and in utter



subversion of the provisions of that instrument imposed upon them.

“The undersigned have also sufficient reason for their belief that, in the North-Western State of Illinois a part of the people have openly proclaimed opposition to Mr. Lincoln’s unconstitutional and despotic government, while in several others public assemblages and their legislators have condemned the war as subversive of the Constitution. In addition to these striking evidences of the increasing strength of the Confederate States and of great internal weakness and division in Mr. Lincoln’s government, the undersigned can proudly point, with confidence, to the unity which exists among the people of the Confederate States, with the solitary and unimportant exception of the extreme north-western corner of Virginia, lying between Ohio and Pennsylvania and settled, almost exclusively, by Northern emigrants. Whatever differences of opinion may have been entertained as to the original policy of secession by the people of the Confederate States, there was a general concurrence of opinion as to the breaches of the Constitution which compelled resort to it; and, after secession had been accomplished, the great mass of the people at once yielded all objections and are now engaged by their wealth and their persons in the most patriotic exertions to uphold their government in the cause of independence.

“Whatever tribute of admiration may be yielded, for the present, to the people who submit to Mr. Lincoln’s usurping government, for energy, for display in raising and organizing an immense army for the field, for the purpose of imposing the yoke of that government upon a people who are struggling for the inestimable right of governing themselves in order to a preservation of their liberties, a just and impartial history will award to the people of the Confederate States an unmixed admiration for an effort which, in the space of six months, has thrown off the power of the usurper, has organized a new government, based upon the principles of personal and public liberty, and has put that government into operation and has raised, organized and armed an army sufficient to meet and defeat in a fair field, and drive in ignominious flight from that field, the invaders who the reputed first Captain of the age deemed sufficient to crush a so-called rebellion. The



undersigned call your Lordship's attention to the fact that, Mr. Lincoln's army, though possessed of all the advantages of a more numerous population, of the credit due to a recognized government of long continuance, and of the entire navy of the late Union, has been unable to retake a single fortification of which the Confederate States had possessed themselves; but, on the contrary, has been driven from a powerful fortress upon the Atlantic coast and from several forts on the Western frontier by the Confederate Arms; that he has not been able to advance more than five miles into the territory of any of the Confederate States, when there was any attempt to prevent it, and is in danger of losing three great States of the remnant of the Union by insurrection. Even upon the sea, where the government of Mr. Lincoln possesses undisputed supremacy, it has not been able to make an effective blockade of a single port, save those whose outlets are upon the Chesapeake — vessels of every class, public and private armed ships, belonging to the Confederate States and to traders, having found their way in and out of every other port at which an attempt has been made.

“In everything constituting material of war, the Confederate States, thus far, have been supplied from their own resources, unaided by that free intercourse with the world which has been open to the United States. Men, arms, munitions of war, of every description, have been supplied, in ample abundance, to defeat attempts to invade, successfully, our borders. Money has been obtained from the people of the Confederate States in sufficient quantity. Every loan that has been put upon the market has been taken at and above par. And the undersigned but repeat the belief of their government and the universal expectations of their fellow citizens that, however great may be the demand for means to defend their country against invasion, sufficient resources of every character, and sufficient patriotism, exist within the Confederate States for that purpose. The undersigned are aware that an impression has prevailed in what may be termed well informed circles, in Europe, that the slaveholding States are poor and unable to sustain themselves in a prolonged conflict with the non-slaveholding States. In the opinion of the undersigned, this idea is grossly erroneous and, considering the importance

of a correct understanding of the relative resources of the two contending powers, in solving the question of comparative strength and ability to maintain themselves, your Lordship will pardon a reference to statistical tables of the census of 1850, the last authentic exposition of the resources of the United States, which has yet been published, and which is appended to this communication. The incontestible evidence, presented in that table, proves the Confederate States possesses all the material resources of a great and powerful nation, capable, not only of feeding, clothing and defending themselves in time of war, but capable of clothing all Europe in time of peace and free trade. The undersigned are also aware that, the anti-slavery sentiment, so prevalent in Europe, has recoiled from the thought of entering into friendly relations, recognizing slavery. The question of morality in the institution, as found in their government, the undersigned will not discuss with any foreign power. The authors of the American Declaration of Independence found the African race in the colonies, in a state of slavery, both by colonial and English law, and by the law of nations. Those good and great men left that fact, and the responsibility for its existence, where they found it. And finding two distinct races, one free and capable of maintaining freedom, the other slave, and, in their opinion, unfitted to participate in the contest for self-government, they made Declarations of freedom for the white race alone. They eventually, in the course even of a few years, framed and put into operation two plans of government, both resting upon the great and recognized distinction of the two races, perpetuating it as the fundamental theory of their government formed, as they announced, for the benefit of themselves and their posterity — to use their own language, ‘to secure the blessings of liberty to ourselves and our posterity.’

“The wisdom of that course is not a matter for the discussion of the undersigned, with foreign nations. Suffice it to say, thus were American institutions formed and remain unchanged. It was not from fear of liberation of slaves that secession took place. The new party in power has proposed to guarantee slavery, forever, in the States if the South will

but remain in the Union.\* Mr. Lincoln's message does not propose freedom for the slave, but subjection of his owner to the will of the Union, that is, to the will of the North. Even after the battle of Manassas, the Congress at Washington passed resolutions declaring the object of the war to be the upholding of the pro-slavery Constitution, by a vote showing only one in the negative in the Senate and two in the House. As the army of invasion entered upon its march, a general order was issued from headquarters forbidding any slave to enter the camp or to follow in its train. The object of the war, therefore, as now officially announced, is, not emancipation of slaves, but, through legislative trammels, which the government of the United States intends, if allowed, to employ to the subjection of the owners. The undersigned submit, therefore, with confidence, that, as far as the anti-slavery sentiment of England is involved, it cannot remain in sympathy with the Northern States, but must hold in disgust a canting hypocrisy seeking to take an advantage under false pretences.

“The undersigned are not insensible to the surmise that, the Lincoln government may, under stress of circumstances, change its policy, a policy based, at present, more upon a wiley view of its effect upon the old Union sentiment of the Southern States than any honest intent to uphold a Constitution, the plainest provisions of which it has shamelessly violated. But the undersigned confidently submit to your Lordship's consideration that, an abrupt and violent destruction of a labor system which has reared so vast a commerce between America and Europe — which, as is now supposed, gives bread to the millions of the population of European States, which, as may be safely assumed, is intimately blended with the great manufacturing and commercial prosperity which distinguishes the age and is, probably, not the least element in that prosperity — would be attended with results

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\* A few weeks before the date of the address of the Commissioners, the Congress of the United States passed the following resolution, almost unanimously, and it received the President's signature, while the armies of the two Republics were confronting each other in the field: “*Resolved*, That the war is not prosecuted on our part in any spirit of oppression, nor for any purpose of conquest, nor for the purpose of overthrowing or interfering with the rights of any established institutions in the States, but to defend and maintain the supremacy of the Constitution, and all laws made in pursuance thereof and to preserve the Union with all the dignity, equality and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.”

alike disastrous to the world as well as to the master and the slave.

“Resort, on the part of the United States, to servile war has not yet been announced, but, on the contrary, has been officially disclaimed. Servile war has, however, been recommended by individuals of influence in the United States, and when all other means shall fail—as the undersigned assure your Lordship they will fail—to bring the Confederate States into subjection to the power of Mr. Lincoln’s government, it is by no means improbable that it may be inaugurated. Whenever it shall be done, however, the motive will not be that philanthropic consideration, which undoubtedly beats in the hearts of many in New England, but the baser feeling of selfish aggrandizement not unmixed with the cowardly spirit of revenge.

“The undersigned call your Lordship’s attention to what is now so publicly known as a fact—to the great battle of Manassas, in which a well appointed army of United States troops gave battle to the Confederate States army of inferior forces. After nine hours of hard fighting the former were defeated and were driven from the field, in open flight, and were pursued to Centreville, the position of their reserve. The enemy lost honor and nearly all the arms and munitions gathered industriously for months, for an offensive campaign in Virginia; and they did not cease their flight until, under cover of night, they reached their intrenchments in front of Washington. So far from threatening the integrity of the territory or the existence of the government of the Confederate States, the government at Washington seems content at present and will be rejoiced if it can maintain a successful defense of its capital, while preserving the remnant of its defeated and disorganized forces.

“The undersigned would also ask your Lordship’s attention that, the cotton picking season, in the cotton growing States of the Confederacy, has opened. The crop bids fair to be, at least, an average one, and will be prepared for market and delivered by the planters and merchants at the wharves of the ports of those States, when there is a prospect of the blockade being raised, and not before. An embargo, as an offensive measure, has been laid by the Confederate States

against the passage of cotton across the border, into the United States. To be obtained, the article must be sought in the ports of the Confederacy. They submit to your Lordship the consideration of the fact that, the blockade of all the ports of the Confederate States was declared when, in truth, there was no pretense of closing the Gulf ports. They further submit that, since the proclamation of blockade there have been repeated instances of escapes of vessels from Wilmington, Charleston, Savannah, Mobile and New Orleans. It must be for the neutrals, whose commerce is seriously damaged, to determine for how long a blockade, of such a character, shall be respected.

“In closing this communication, the undersigned desire to urge upon Her Britannic Majesty’s Government the just claims which, in their opinion, the Confederate States has, at this time, to recognition as a government *de facto*, when the internal peace it enjoys, the vast territory it controls, the millions of population which it contains, the exhaustless resources of foreign and domestic commerce it possesses and its ability to maintain itself are considered; and, when your Lordship shall consider the necessities of commercial relations with it to the preservation of certain great interests in England.

“If, however, in the opinion of Her Britannic Majesty’s Government, the Confederate States have not yet won a right to a place among the nations of the earth, the undersigned assure your Lordship that while such an announcement will be received with surprise by the government they represent; and if that government is to be left to contend for interests which, it is believed, are as important to the commercial powers of Europe as to itself, without even the friendly countenance of other nations, its citizens will buckle themselves to the great task before them with vigor and determination which will justify the undersigned in having pressed the question upon Her Britannic Majesty’s Government; and when peace shall have been won, their government will, at least, feel that it will not be justly responsible for the vast quantity of blood which shall have been shed, nor for the great and widespread suffering which so prolonged a conflict

will have entailed upon millions of the human race, in the Eastern as well as in the Western Hemisphere.\*

“ W. L. YANCEY,	} <i>Commissioners.”</i>
“ P. A. ROST,	
“ A. DUDLEY MANN.	

Memoranda among Mr. Yancey's papers show that the address was carefully read by the Commissioners, together, before signing it. Every sentence bears the imprint of Yancey's style and habit of thought. The style is far less conventional than, possibly, would have been adopted had Lord John invited anything more from the Commissioners than an argument in detail, explaining the object of their visit. The instructions of the President, rather than Yancey's own views of what suggestions of diplomacy should have been advanced, are apparent in the document. England was informed, *by the President's instructions*, that a great quantity of cotton would be delivered at the sea ports of the Confederacy when England, at the expense of war with the United States, should come to receive it. Rhett, Toombs and Yancey concurred in unavailing advice to the President that, England's risk should be recompensed by a practical monopoly of the commerce of the Confederacy, for twenty years, as well as by other stipulations of solemn treaty.

Having now discharged his instructions, and being without hope of encouraging results, Mr. Yancey promptly sent forward his letter of resignation. Mr. R. M. T. Hunter, who had succeeded to the State Department, replied, accepting the resignation with regret, adding: “The President desires, if anything has occurred to change your determination, that you continue in the diplomatic service.” † Mr. Yancey was quite resolved, however, to enter some field of public service more promising of fruits. He awaited only the arrival of his successor to begin his homeward voyage.

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\* The table of statistics attached to the communication to Lord John Russell, referred to the comparative wealth of the free and slave States, as shown by the census of 1850. It is not included here, because the same items, and many more, are given in Chapter 20, *supra*.

† The elaborate work of Mr. Davis, “The Rise and Fall of the Confederate Government,” avoids all mention of Mr. Yancey's name, or the names of Rhett and Wigfall, so intimately associated as each of the three was with the “rise” and the “fall” of the government. The omission as to Yancey is remarkable because the names of Messrs. Rost, Mann, and the later Commissioners, Messrs. Mason and Slidell, are given in the work, with an explanation of their foreign services. No intimation is given of the views of the Secretary of State, Toombs, or of the views of the Chairman of the Committee on Foreign Relations, Rhett, or of the head of the first Commission, Yancey, concerning a foreign policy, of which the President was so fully advised.

Meantime, the Commissioners returned to Paris. They had an interview with the Minister of Marine and the Colonies, from whom they received hopeful intimations of the friendly purposes of his government towards theirs. At Paris they received private information of the favorable impression their address to Lord John Russell had made on the British Cabinet, and they were reliably informed of a strong feeling in the Cabinet favorable to recognition. England had gone so far as to suggest to France the initiation of a general European recognition. The French Cabinet declined to lead, but would proceed conjointly with England. Cotton had already, in five months from the beginning of hostilities between the American Republics, risen on the market one hundred per cent. The English factories were all running on short time. A large bread riot, in the suburbs of Paris, was suppressed during the Commissioners' visit to that city by the government. The grain crop of England was below the average, while the deficiency of harvest in France was believed to be one billion of francs' worth.

Returning to England, Mr. Yancey received distinguished personal attentions from exalted people. He was invited to the country and delivered at least one speech there which the English newspapers reported and praised. Sir Archibald Alison sent a copy of his recent pamphlet on "Government Reform" to his address, accompanied with a request for a criticism upon its theories. Mr. Yancey replied:

"My mind is not cultivated in speculative philosophy. I have given consideration only to questions of government as they have arisen, demanding practical solution. Indeed, I have been disposed to regard true religion to be based on the individual responsibility rather than collective responsibility. I will, however, with greater frankness than profoundness, state the result of my reflections upon reading your dissertation upon America and American affairs.

"1. *A National Church.* You recommend the institution to America to foster salutary feelings of reverence; 'the bonds of reverence, sincerity and liberty will take the place of hatred, hypocrisy and oppression.' You admit the South American Republics have fallen into a state of lassitude and misrule and you fear the same fate awaits the Republics of



North America without a national church. Permit me to remind you that the panacea you offer to North America has always been with South America. The lassitude and misrule, prevailing in the latter country, have ever been associated with a national church.

“ I do not question the influence of a national church over public opinion. The power of the church, too, must define the limit of freedom of thought and activity of conscience in individuals. History proves that love of ease, luxury and pride in high places in the church, follow upon inertness of public opinion. I do not hold that this condition of society is desirable. The relation of man to his Creator should not be in subjection to church or state. No man should be allowed to say, ‘ my sin is not mine, but the sin of the church.’ There is a national church in Turkey, Austria and Prussia and great powers of despotism in each country. The experience of to-day in Italy, France and Spain has been the experience of centuries.

“ If you mean to use a national church, as your correspondent, Mr. Cassius M. Clay, seems to recommend, to establish a government of arbitrary powers, I am unable to advise the jeopardy of men’s souls by the creation of a Procrustean religious faith the better to enforce certain political theories. Better, far, devise a scheme of unmitigated national despotism and leave it to stand or fall upon purely political grounds.

“ The political evils, in North America, are not to be traced to religious freedom, but, perhaps, to excess of personal freedom. The dominating passions of the minds of men in the Northern States is, *acquisition*. This passion has been so assiduously cultivated that the ingredient of self-denial — *honesty*, if you please — has been greatly the sufferer. And there is the great evil which has afflicted the body politic, under the Union. The North overreaches the plain obligations of the compact between the States, entered into when their strength was about equal. Wherever a national church has existed, questions arising from its defense have excited convulsions of society and have forced political revolutions.

“ 2. *A Monarchy*: Of course it is not expected that I should approve a suggestion that a king should rule North America, and, least of all, that I should acquiesce in the

seriously stated but amusing proposition that, 'the future king of the North American States should be selected from the royal families of Europe'! I am able to remember nothing in the history of the royal families of Europe which should give them precedence for political elevation over the Washingtons, Jeffersons, etc., of America. Three-quarters of a century of American experience proves there are good and great men to be found in that country, available to make kings when a kingdom must be erected there.

"3. *Slavery*: The title to slaves in America is of British origin. \* \* You observe that 'while the South is honest in doing the wrong thing, the North is dishonest in doing the right thing.' I differ with you. You advise the North to violate the fundamental law of its own political existence in order to gratify a fanaticism, without reason, and to enable it to destroy the rights of the South, secured by the same fundamental law. \* \* You are mistaken when you assert that, unless slavery be abolished the African slave trade must continue. I am sure not five hundred Africans have been imported into the Southern States in the last several years, of the alleged revival of that trade; and these were introduced more for political effect than for any purpose of restoring the trade. The Constitution of the Confederate States forbids the trade."

An event now took place which not only delayed for some months the departure of Mr. Yancey from Europe, but which, for several weeks, held out strong promises that the labors of the Commissioners would be turned to practical ends. On November 1, 1861, Messrs. James M. Mason and John Slidell, Commissioners of the Confederate States — Mr. Slidell accompanied by his family — with their Secretaries, Messrs. McFarlane and Eustis, embarked at Havana for Southampton, on board the British mail packet, Trent. The day following, off the Pandora Grande light house, in the narrowest part of the Bahama passage, a war ship lay across the course of the steamer. When the Trent had approached within half a mile of the war ship the latter ran up the colors of the United States and immediately fired a round shot across the bows of the Trent, following this instantly with a shell, which exploded within an hundred yards of the British

vessel. The Trent ran up the British colors and, having reached easy hailing distance, demanded an explanation. The reply came that, the offending ship wanted to send a boat alongside. The Trent brought to, and an officer, with a boat's crew armed, pushed off and in person came aboard of the Trent. He announced his rank and name, Lieutenant Fairfax, with orders from the commander of the United States armed ship, San Jacinto, to arrest Messrs. Mason, Slidell and their Secretaries, and to deliver them, with their baggage, and papers and effects, on board the San Jacinto. The passengers had now all gathered around. Messrs. Mason and Slidell announced their presence, claiming the protection of the British flag. To the Captain of the Trent, Lieutenant Fairfax said he had been instructed to lay that ship alongside his own. The Captain of the Trent remarked, in reply, that he would repair to his quarter deck, and could be found there. Lieutenant Fairfax, thereupon, announced that he would take possession of the Trent, unless the Confederate Commissioners surrendered, immediately. There was no offer of surrender, and seeing this, the United States officer, at the point of the weapons of his men, placed the Commissioners in his boat and delivered them to his superior officer on board the San Jacinto. The Commissioners had taken the precaution, at a timely moment, to deliver their papers to Mr. Haskel, of Charleston, a passenger on the Trent, by whom they were delivered to Messrs. Yancey and associates upon the arrival of the Trent at her destination.\*

The gravity of the offense was increased when it became known to the English that it was the premeditated act of the government of the United States. Precaution had been taken by orders from Washington, looking to the capture of the Commissioners on the high seas, toward the end of their voyage, should they escape the arrangements made to that purpose at the beginning of it. The United States armed steamer, James Adger, having been allowed to coal and repair in a British port, put to sea, but remained near, hovering along the coast. On demand of an officer of the admiralty for an explanation of her conduct, the reply came that she

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\* I have taken the account of the affair described from the MS. dispatch of Messrs. Yancey and associates to their government.

waited the arrival of the British mail steamer from Havana, with the intention of taking from her the Confederate Commissioners expected to be aboard. The British officer rejoined that the act, if perpetrated, would be accepted as an insult to the flag of his country.

A highly excited public feeling prevailed in London and over all England when the news of the deliberate preparations of the United States to insult the British flag was made known. Lord John Russell's original draft of his government's dispatch to Mr. Seward was unequivocal and resentful. The tone of it was reflected by every daily newspaper in England, save the *Star*, the organ of Messrs. Bright and Cobden, and, also, the organ of the United States minister in the pending unsettled relation of the government toward the Confederate States. The dispatch of Lord John was tantamount to a menace of war. According to custom, it was submitted to the Queen before being sent. The Prince Consort, holding fast to his sympathies with the United States, in the "war against slavery," eliminated the insulting paragraphs and reduced the demand to one for apology and the restoration of the captives to the protection of the British flag.

The instant the capture of Messrs. Mason and Slidell was made known to the Commissioners, they renewed, with urgency, their demand for the recognition of their government. They had received, through Mr. Haskel, information, long withheld from them, of great value — the number of vessels which had passed through the blockade, in safety, with their names. It was shown that, up to August 20, more than four hundred ships had entered and passed out of the Confederate ports, entirely unmolested.

Messrs. Mason and Slidell arrived at London and Mr. Yancey immediately sought an opportunity to take passage to the Confederate States. His salary had not been remitted and he found it necessary to borrow the funds required to pay his expenses back. In February he arrived at New Orleans. A public address was required of him. He spoke resolutely of the future of the Confederacy, but hopelessly of foreign recognition. His disease had taken deeper root and his bodily infirmity was painfully apparent.

He sought repose in the bosom of his family at Montgomery. In his absence, the Legislature had elected him, by unanimous vote, to the Confederate States Senate, to take his seat with the organization of the Permanent Government, February 22, 1862. James R. Powell, Benjamin H. Micou and others, his neighbors, bought a beautiful black horse, sending him fully equipped with bridle and saddle, to Mr. Yancey's door, with a touching letter of presentation, in the vain hope of contributing to the restoration of his health by offering the opportunity of indulgence in his favorite exercise.

## **CHAPTER 26.**

# **The Perplexed People.**

1861-1862.

The aristocratic society of the South, organized upon the simplicity of Democratic theories, was ever distinguished by a sentiment of respect for authority. In no modern civilization were the civil, military or ecclesiastical functionaries held in more deferential regard than here. The pursuits and education of the people, together with the great physical force of the inferior race, were the potentialities which created this sentiment. Hundreds of thousands of men, of all divisions of society, organized in the Southern armies, taken from a state of freedom as perfect as the birds of the air, submitted instantly to discipline, the most exacting, when imposed by the wisdom of their leaders. No troops made longer marches with greater ease, or were more faithful on the scout, or received the charge, standing more steady. The history of wars presents no record of devotion of rank and file to worthy Captains, surpassing the devotion of the Confederate soldiers. Absorbed in an individual consecration to the cause of the Confederacy — the arms bearing population in the field, the women spinning and weaving their clothing and caring for their children — the whole people were enthused by the victory of Manassas; upon the glory of which sat the crown of the President's conduct—the first President of Americans who had ever been seen riding, erect and gallant, into the smoke of the field, upon the heels of a routed foe, dismounting

to administer to a dying patriot, remaining in the camp, for days, to promote the rank of the hero of the day and, as imagination pictured, to devise some daring plan of fresh adventure for his invincible Confederates. Few, indeed, were those who knew the Administration lived, from day to day, without any broad and firm plan of war or policy of government. Few knew that the phenomenal wealth of the country, instead of being firmly fixed as a basis of national resources and credit, remained untouched, in utter neglect and waste; that the indomitable martial spirit of the people was sustained by nothing in the conduct of the War Office, save puerile ways. Fewer yet were those who had reached the discovery that the President was, even now, confused and had been, even thus early, drawn beyond the measure of his faculties by the duties of his unfortunate office. He seemed, already, to fear the assistance of great men at his hand, but to be fearless of their enmity. Filling high stations with the commonplace or incompetent, he heroically made their errors his own. Slow in perceiving the opportunities created for him, he was obstinate in holding fast to the errors committed by himself. Such were the infallible evidences, to the appreciation of the statesman, of the desperate attitude of the Confederacy when, in November, 1861, the first election, under the permanent Constitution, took place for Representatives in Congress, President and vice-President. Prone as the Southern people had ever been to retain, without question, the public services of individuals whose acceptability had once received their sanction, they went to the polls without the least organization or inquiry. Politics were an unrecognized factor in the demands of the day. Nobody knew that it was because of the apathy of the elective government that the volunteers were without arms; or knew that the cotton crop and tobacco crop, just harvested, ample to serve as a basis for credit the most perfect, credit ample to arm and equip the entire arms bearing population, would, under a policy of government, be left to waste, unused; or knew that the most gallant of sailors and the most ambitious and trusted soldiers of America, mayhap the ablest sailors and soldiers of the age, who had thrown up their high commissions and higher promises, in the old service, to enter the new, now chafed under the procrastination, irresolution



and inappreciation of the civil head of the war. So universal was the ignorance of the people, whose familiar leaders were nearly all in the army, that only in a single District of one State was attempt made to instruct them. Robert Barnwell Rhett offered, for the Lower House of Congress, from South Carolina, stating openly the descending prospects of the cause under mal-administration, but he found a constituency resentful of his counsel who, in the past, for thirty years, had sought it. Mr. Davis was elected President and Mr. Stephens vice-President, without opposition.

George Brinton McClellan was a young man, voluntarily retired from the army to a responsible position in civil life. His professional attainments, in the military, were singularly high; his intellectual rank in his profession was second to none; his temper was conservative and his energy great. Graduated at West Point, he had won promotion on the bloodiest fields of Mexico, and, youthful as he was, for the trust, so distinguished were his accomplishments that he was selected by Secretary of War, Jefferson Davis, to visit Europe, during the Crimean war, to study the latest arts and appliances suitable for the improvement of the national army. General McClellan superseded the venerable General Scott in command of the United States army. He took up his Headquarters in the army of the Potomac, lying near Washington, and at once his wonderful personal attractiveness made him the idol of his forces, rank and file.

General Joseph Eggleston Johnston commanded the Army in Northern Virginia, facing McClellan, and well knew that his adversary would equip and organize a magnificent host, intent upon invasion. He knew that McClellan was busily engaged, educating his battalions by resort to sham battles, the infantrymen thus learning to load and fire their pieces and the cavalrymen, strapped fast to their saddles, thus learning to keep their seats in action. General Johnston, even as was McClellan, was both a soldier and a statesman. He was aware of the divided public sentiment in the United States, touching the duty or advisability of waging war; he knew that the United States government, as yet, had been unable to provide a safe financial basis of war; that Europe was far from any fixed policy in respect to America; that the best

Generals of the United States recommended an invasion of the Confederate States by way of the Mississippi and its tributaries. If McClellan's preparations were allowed to proceed, unmolested, Halleck, in the West, would concentrate a powerful army and, using rivers instead of wagon roads to mobilize, would succeed in dividing the Confederate forces, as yet armed and equipped only in part, giving to Northern invasion, from one or the other side of the Alleghanies, the prospect of success. Accordingly, sixty-five days after the battle of Manassas, General Johnston, being able to discover no indications of intent on the part of the Confederate civil authorities to employ high strategy in meeting the industrious preparations of the enemy, wrote a letter to Acting Secretary of War, Judah P. Benjamin, requesting that the President, or some person with authority from him, should visit his Headquarters, at Fairfax Court House, to examine and determine upon a policy of war. In the afternoon of the last day of September, the President came in person, in response to the letter, going directly to the Headquarters of General Beauregard, at, or about, Fairfax Court House. It should be remembered that, at this early date in the life of the Confederacy, the President was not on cordial terms with General Johnston or Beauregard, as will be shown presently, and that this state of personal feeling was known to control the mind of the President in respect to his official relations to those officers.

General Johnston, accompanied by the ranking Major-General, Gustavus W. Smith, a citizen of New York, who had espoused the Confederate cause, called upon the President at General Beauregard's quarters, to pay his respects, on the evening of his arrival. Nothing more than ordinary conversation seems to have taken place then. The next evening, by request of the President, the three ranking officers convened in his presence, at the same place, to confer on the subject of General Johnston's letter. Various matters of army detail were inquired into by the President and much time was passed in giving answers to him, when General Smith, somewhat abruptly, said: "But, Mr. President, is it not practicable to put this army on the active offensive? That question seems of such vital importance that the success or failure of our cause may depend upon it." Conversation, of wide range,

followed. The differences of opinion among those present were too slight to require argument. All agreed that the army was in the finest fighting condition and it was understood by all that the military force of the Confederacy was at the highest point attainable, with the arms and munitions on hand. The adjacent country was in the best condition for army movements, and was destined to remain so for many months. The Generals also endeavored to impress on the President's mind the celerity of the enemy's preparations and that the Confederate army would be far weaker, both in numbers and morale, at the opening of the spring campaign, remaining inactive, than by fighting. No argument arose on any of these points; all present assented, readily, to the narration of facts and to the conclusions drawn from them. General Smith again spoke, saying: "Mr. President, is it not possible to increase the effective strength of this army and put us in a condition to cross the Potomac? Cannot you strip other points to the last they will bear and, even risking defeat at all other places, put us in condition to move forward? Success here saves all, while defeat here loses everything." In elaboration of this view, the opinion was expressed by the Generals that if the Confederate forces, in Kentucky and Tennessee, should be consolidated with the army about Fairfax Court House and, as a consequence, those States should be occupied by the enemy, his occupation must necessarily be brief. The proposed advance, across the Potomac, into the heart of the Eastern States, would compel a rapid concentration thither of the forces of the United States and an evacuation of the whole Southern country. On the other hand, a small Confederate army in Virginia and a smaller one in Kentucky, remaining quiet, would allow the enemy to make his coveted preparations, at the completion of which he would quickly concentrate, sweeping the country from any point most convenient to himself. It was argued that, should the Confederacy be able to take and hold the Ohio river, as a boundary, the defeat of its army in Virginia would be followed by a wave of invaders, taking the defenders of the Ohio line in the rear.

It was conceded, by all, that the force in Virginia was insufficient for an offensive movement beyond the Potomac; and that even should that army be greatly strengthened, an

attack from the Virginia side on the fortifications at Washington would be bad generalship. The President then asked General Smith how many men, in his opinion, would be required to cross the Potomac, cut off the enemy's communication with their fortified capital and carry the war into his country. General Smith replied, "Fifty thousand seasoned soldiers;" Generals Johnston and Beauregard spoke quickly, saying "sixty thousand of such troops would be necessary." They reminded the President that transportation and munitions of war were wholly inadequate, in that army, for such a movement, but great as the difficulties were and problematical as success might be, the disastrous results of inactivity were sure to overbalance all other considerations. The suggestion of General Smith was discussed, in all its bearings, recognizing the probable effect of the movement in uniting the North, now known to be divided as to the political policy of pursuit of the war.

"Returning to the question that had been twice asked, the President expressed surprise and regret that the number of surplus arms here was so small; and seemed to speak bitterly of this disappointment. He then stated, that at that time *no reinforcements could be furnished to this army of the character asked for*; and that the most that could be done would be to furnish recruits to take the surplus arms in store here say (2500); that the whole country was demanding protection at his hands and praying for arms and troops for defense; he had long been expecting arms from abroad, but had been disappointed; he still hoped to get them, but had no positive assurance that they would be received at all; the manufacture of arms in the Confederate States was, as yet, undeveloped to any considerable extent; want of arms was the great difficulty; he could not take any troops from the points named, (Norfolk, Charleston, Mobile, etc.), and without arms from abroad could not reinforce this army. He expressed regret and seemed to feel deeply, as did every one present." \*

The President having declined to concentrate the forces for offensive operations, the main question being dropped, he proposed certain partial operations. Among these, the breaking of the bridge of the Baltimore and Ohio railroad, over the Monocacy river, in Maryland, between Washington and Harper's Ferry. This expedition, he thought, would injure

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\* MS. narrative of General G. W. Smith, dated "Centreville, Virginia, January 31, 1862," signed "G. T. Beauregard, General, C. S. A.," "J. E. Johnston, General, C. S. A.," and countersigned "John M. Otey, A. A. G."

the enemy and, most of all, encourage the people of the Confederacy. To this the Generals replied that to cross and recross the river guarded by gunboats of the enemy, in face of General Hooker's Division on land, would require a force strong enough to hold a point below and a point above the crossing. Hazardous as would be the undertaking, however, they would adopt the President's suggestion, with the resources at their command, rather than lie idle in a position easily turned on either flank, so soon as the opportunity presented itself.

The council here ended. It had continued two hours in very earnest, deliberate and serious words. It was a decisive council.

Four weeks before the council sat at Fairfax Court House, the President, lying in bed, ill, heard a footstep enter the hall below. "That is Sidney Johnston's step (he said). Bring him up." Even before the arrival of this eminent soldier and statesman, deputations from the West had come to solicit his assignment to command in that region. From Virginia to Kansas small Confederate organizations of partially armed men were posted, without a common head and independent of each other. The President thought of appointing General Albert Sidney Johnston to the post of Secretary of War, now vacant by resignation of Walker. It was a post to which he was called in the Republic of Texas, when he was General-in-Chief of its army. But, September 10, 1861, General Johnston was ordered to repair to Memphis to assume command of "Department Number 2," embracing Kentucky, Missouri, Kansas, the Indian Territory, Arkansas, Tennessee, and a part of Mississippi, some 25,000 troops in the field. The enemy had been very industrious, preparing to invade the Confederacy through Kentucky and, as General Johnston believed, with about 80,000 men. Johnston found the Confederacy with a wholly inadequate supply of arms, a part of his troops in the field ready for battle being supplied only with squirrel rifles and shotguns, and others with no arms. But if the enemy was to be resisted, a beginning must be made to form an army. His perfect familiarity with the springs of public opinion and the qualities for war inherent in the people, lead him to issue a call upon the Governor of Tennessee for

30,000 volunteers, twelve months men, upon the Governors of Alabama and Mississippi for 10,000 each, making a reinforcement of 50,000 men. The Governors of all the States of the Confederacy were ardently devoted to its cause and the call in this case was republished with alacrity. Arms were gathered from the people and those requiring repairs received attention as fast as possible. Tennessee at once enacted a law allowing private arms to be impressed for the Confederate service. General Johnston, in a practical view of the circumstances, believed that squads, companies and battalions should be organized in camps and brought together at once, where they could be well fed, trusting the question of arms to the future. Organization could certainly be accomplished in that way, officers and men could be taught important military duties and an army, every man of which was familiar with the use of fire arms and the saddle, could be placed in the field, seasoned to camp life, so soon as the government could supply arms. Even were arms already in abundance, the life in camp would be needful preparation for their use. A statesman as well as a soldier, he consulted freely with the political and social leaders of his military territory. He made the call for twelve-months men, resting assured that the spirit of war would be preserved in the Confederacy by success of its armies, and that if success was attained by twelve-months men they would re-enlist, if the war yet continued. His preparations were evidences of his profound appreciation of the task before him; and the decision, self-poise and celerity of action which distinguished his administration, so long as he was allowed the use of his judgment and his professional rights, quite justified the familiar ejaculation of his warm friend, the President: "I hoped and expected I had others who would prove Generals, but I knew I had one in Sidney Johnston."

Recurring to political connections, an influence which ceaselessly weighed upon the President's military course, and even perverted it, it is to be observed that shortly before General Johnston assumed command, the Governor of Kentucky, in which State the United States army to invade Johnston's territory was being mustered, wrote to the Presidents, respectively, of the two Confederacies announcing the

neutrality of Kentucky and demanding of each to observe the position assumed by the State. Mr. Davis intimated his readiness to respect the Governor's notice; Mr. Lincoln declared the farce of State neutrality was justified in none of the circumstances, and entitled to no respect from his government. General Johnston, arriving, took Lincoln's view and posted his small forces on Kentucky soil at will. Johnston ordered Hardee, with some 4,000 men, to march from the swamps of Arkansas, where they were idle and being consumed by malaria, to Kentucky and, thereupon, the politicians harrassed the President with complaints, against the General's order, appropriate to their demagogical purpose.

Immediately upon receiving information of the call of General Johnston upon the Governors of three States for 50,000 men, Acting Secretary of War, Benjamin, wrote an order to Adjutant-General Whitthorne, of the Tennessee State forces, directing that no volunteer company, battalion or regiment should be mustered into the Confederate service for twelve months; and giving notice that some troops, already mustered in for that time, should be immediately mustered out. A few days before, Mr. Benjamin had written to General Johnston officially describing the General's ability, with the forces he held in hand, "to defy almost any front attack," while the safety of his flanks was entirely beyond question! The Acting Secretary also said, in an official letter to the General, that attempts of unarmed men to volunteer for twelve months were "so incessant and ingenious" that the Department found it necessary to exercise the greatest shrewdness in defeating "such disingenuous practices." General Johnston, with unfeigned sorrow, at once obeyed the disastrous order of Acting Secretary Benjamin. The camps in Mississippi and Arkansas, formed under his orders, were broken up. Governor Harris, of Tennessee, however, not only refused to disband the troops he had called out, but directed Adjutant-General Whitthorne to address an energetic protest to the President against the order itself. A spirited correspondence followed between the Acting Secretary and the General. The hopes of the latter for the offensive movement, he had in view, were not only extinguished, but the spirit of the people was inestimably quenched. The report spread abroad that "Johnston wanted



no more men ;” “the Governors had received orders countermanding volunteering among the people.” The only excuse the Acting Secretary of War could offer for his course was : “The Treasury is sorely pressed and I want to avoid the heavy drain upon it that will be caused by accumulating these twelve-months men.” Writing further, he said : “In Mississippi and Tennessee your unlucky offer to receive unarmed men has played the deuce with our camps.” So was the genius of the great Captain reduced to the low plane of civil control, from which no military genius, in the long and bloody record of Confederate endeavor, could liberate itself.

In the winter, of 1861–62, the imports of arms and munitions of war from Europe by the warring Republics, respectively, stood as follows :

	Confederate States.	United States.
Rifles.....	25,000	341,000
Muskets.....	.....	41,500
Flintlock guns.....	.....	26,500
Percussion caps.....	500,000	49,982,000 *

Besides this enumeration of imports, large invoices of imported “hardware,” received at ports of the United States, were, indeed, arms and munitions of war.

Stored upon the plantations were the whole cotton, tobacco and rice crops, of 1861, the customary ports of export by sea being virtually unclosed by the blockade proclamation.

Secretary Benjamin’s empiracal administration was corruptive and exhaustive at every point. Assuming that the growing discontent of public sentiment was founded on weariness of war and its inconveniences, rather than on the enforced idleness of troops, arising from the disorganized military establishment, he attempted to popularize the civil head of the government by spasmodic and arbitrary interference with the discipline of the army. It was his habit, for many months, to send by mail, or otherwise, bundles of furloughs to the army, avoiding even the knowledge of the commanding General, for distribution among privates and officers. Against such administration General J. E. Johnston earnestly protested, assuring the Secretary that, in less than thirty days, his unparalleled interference had not only dangerously reduced the

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\* Rise and Fall of the Confederate Government: Roman’s Campaign’s of General Beauregard.

strength of the army, but had seriously impaired its discipline. "Leave to me, Mr. Secretary, those minor matters of detail, which legitimately belong to my position; that your mind may be left free to assume that general supervision which your exalted station requires," wrote Johnston, in mortification and chagrin. Nevertheless, the Secretary continued to send, by mail, bundles of furloughs, and discharges and certificates of authority to privates, officers, and even civilians, to raise companies of cavalry and artillery from the infantry regiments then in the field. Johnston appealed to the President; the President replied, the Secretary said he had sent no furloughs or discharges to his army, in a month, and the General had surely been imposed upon. But Adjutant-General Thomas G. Rhett informed General Johnston that the mail which brought the President's letter brought bundles of the obnoxious papers from the office of the Secretary of War. The Secretary also essayed to dispose troops in the field, in the presence of the enemy. The Valley District, lying between the Allegheny and the Blue Ridge, was placed under General "Stonewall" Jackson. Jackson, after consulting Johnston, to whom he reported, distributed the three Brigades under him. In the first days of January, 1862, the troops being in fine condition and the weather mild, Jackson resolved to drive the enemy from their lodgment, in the northern bounds of his District, across the Potomac, and to hold or destroy the Baltimore and Ohio railroad, then the only easy connection of the Western with the Eastern army of the United States. To accomplish this purpose, he set out from Winchester at the head of his command. The enemy were easily dislodged and thus far his object gained. The weather changed suddenly, however, on the march, and became intensely cold, with rain, sleet and snow. Some of the men had thrown away their overcoats, others had none; they were compelled to pull the artillery on mountain sides, so coated with ice that the horses often lost their footing. General Loring was one of the Brigade commanders, a West Pointer and a distinguished soldier in the war with Mexico. In Loring's Brigade great dissatisfaction existed with Jackson's strategy, alleged to have arisen from the sufferings of the men in being removed from comfortable quarters in mid winter to take the field. A number of the

officers of that Brigade repaired to Richmond with a petition for the interference of the Secretary of War. The Secretary granted the petition, issuing a peremptory order, direct to Jackson, to return to Winchester. The order was at once obeyed. Jackson promptly forwarded his resignation, through General Johnston. Johnston withheld it, writing directly to the President, stating the cause of complaint—the unwarrantable interference of the Secretary with the General. The Secretary, in effect, apologized to Jackson, leaving the offense to Johnston, committed in the failure to communicate orders to one of his subordinates through army headquarters, unappeased. But the same winter season was attended by a calamity of mal-administration more impressive, because more manifestly chargeable to the Secretary's neglect, than, perhaps, any that had yet transpired. Roanoke Island commanded numerous water ways entering the sea from the interior of North Carolina. Its defense was necessary to the protection of Portsmouth and Norfolk, necessary to the safety of the Norfolk and Petersburg railroad and, also, the Seaboard and Roanoke railroad. Its possession by the Confederate States allowed the collocation of supplies of corn, pork and forage from a rich country, for the defense of both Norfolk and Richmond. Its loss to the Confederate States would not only open the rear of Norfolk and Richmond to attack, but would secure to the enemy a safe rendezvous for his ships. The North Carolina authorities, appreciating the importance of the position, had applied to the President to separate the post and the region of the vicinity as a distinct command. The request was acceded to and Brigadier-General Henry A. Wise was assigned to the command, reporting to Major-General Huger, at Norfolk. The force on the Island was small, not numbering, perhaps, over 2,000 effectives, many of these, or the most of them, being North Carolina State troops. Huger was at Norfolk, with some 15,000 of the early enlisted soldiers, the flower of the Confederate army, where, for eight months, he had been wholly unemployed. It was well known that General Burnside, of the United States army, was expected to assault the Island. General Wise, failing to arrest the attention, much less the fears, of Secretary Benjamin by his appeals for aid,

repaired in person to Richmond to intercede with the Department. The Secretary heard his plea and, without promising to grant it, even assuring the commander that nothing could be done for him, sent to him a peremptory order to return to his post. Sick and despairing, Wise set out, reaching only as far as Nagg's head, near his headquarters, where he went to bed. Colonel Shaw, of the North Carolina State troops, being senior officer, assumed command. The enemy landed 15,000 men. The resistance was gallant and steady. Among the killed was Captain O. Jennings Wise, son of the General, "a young man of brilliant promise, refined chivalry and a courage to which the softness of his manners and modesty of his behavior added the virtue of knightly heroism." The President felt bound to make public notice of a disaster, the inexcusable character of which was on the lips of the whole people aroused to an unwonted pitch of indignation. He addressed a special message to Congress, confessing the "deep humiliation" of the occurrence. Congress ordered an investigation, which fixed the blame on the War Department and Huger. The President, seeing the resentment of the people and the censure of Congress, in defiance, as it seemed, promoted Mr. Benjamin to the post of Secretary of State; where he remained, so long as the Confederacy existed, ever active, imperturbable and potential in the councils of the Administration.

The peculiar character of the Executive Department of the government, its very noteworthy promises, its remarkable haltings between vigor of intent and performance, the paradoxical contrasts it presented between a government of the people and the capacity, energy and devotion of the people, in their individual capacity, its shadowy reflections of the popular intelligence and courage for war, are matters in evidence. Nothing was done to preserve the *esprit du corps*, which should have distinguished the head of the military establishment, in its relations to a citizen soldiery, on the edge of battle. In November, 1861, the vice-President, in an example of unwonted display of confidence from his superior, was summoned to meet the President to confer upon a selection of a General to command the coast, from Wilmington southward. Secretary Benjamin, and General Lee, who happened to be in





Richmond for a few days, were present. In answer to a direct interrogatory of the President, the vice-President suggested General Beauregard as a proper selection; to which the Secretary replied, the personal relations of the President to that officer precluded his selection. The vice-President thereupon proposed General Joseph E. Johnston; and to this the same reply was made. Very much to the embarrassment of General Lee, the vice-President, in a third answer, named him; and the appointment was made.\* While General Joseph E. Johnston commanded the army at Centreville, he was summoned to Richmond by a letter from the President to confer upon a subject in which the importance of secrecy would admit, as the letter alleged, of no other manner of communication. The Cabinet was called in session to receive the visit of General Johnston. The President explained that he wished to discuss the propriety and practicability of withdrawing the army from Centreville to a less exposed position. General Johnston said the position was untenable, so soon as McClellan was willing or ready to move against it. It was well known, at least to the President and Secretary of War, that against General Johnston's urgent protests, often repeated, the Commissary-General had erected a meat packing establishment, within army lines, as if the government intended to hold the army there, and that immense quantities of supplies were there stored, impossible to be moved, in a reasonable time. General Johnston stated the low condition of the artillery horses, the impassable state of the country and the impossibility of accomplishing the withdrawal, at that time, or until the season was so far advanced as to make the roads available. The discussion was understood to be strictly confidential and continued, in minutest details, from ten o'clock in the morning until late in the afternoon. General Johnston went directly from the council to his hotel and, upon entering, was accosted by Colonel Pender, commanding a Regiment in his army, now just returning from leave of absence at his home in North Carolina, inquiring if he had heard the report, circulating in the hotel, that the Cabinet had been engaged all day in discussing the withdrawal of the army. The next morning, on his way to Centreville, General Johnston was told by a

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\* Reply of A. H. Stephens to Richard Taylor, *North American Review*.



passenger, a civilian with whom he was on social terms, that the Cabinet, the day before, had considered the policy of withdrawing the army.\* Gentlemen visiting the army, after association with Secretary Benjamin, were not slow in repeating to General Johnston specific allegations of the Secretary charging the commanding General with want of enterprise in face of the enemy. A prominent politician, walking the streets of Richmond, on the morning of May 11, 1862, much cast down, remarked to his acquaintances, that a sad day had befallen the Confederacy; the government was about to destroy the iron clad ram "Virginia," on the coast of the Chesapeake; he had heard it at the Capitol, from the highest authority. The ram was actually destroyed on that day, at a point inaccessible to telegraphic intercourse. Formal investigation by the government acquitted Commodore Tatnall, who commanded, but pronounced the act of destruction unjustifiable.† The rank of General, "full" General, as it was known by the people, was created by the Provisional Congress. Five Generals were to be appointed from the army. In all cases where officers had resigned from the United States army, or might, in six months from the passage of the act, resign, to enter the Confederate States army, the new commissions should bear "one and the same date;" and the object of issuing, to that class of officers, commissions of the "same date" was to preserve, in the new service, the relative rank held by them in the old. Thus the officers were required to sacrifice nothing of honorable pride of rank in the change; and it was hoped the cause would receive the benefit of the *esprit du corps* thus preserved. The President, holding the Constitutional rank of Commander-in-Chief of the army and navy, could not create rank for officers. Nor had he the least legal authority to act, alone, in raising and organizing an army. In due time, the President issued commissions of General to five officers. To this extent he observed the law. But the commissions failed to bear "one and the same date." They were published to the army in the following order: S. Cooper, Colonel U. S. A., to rank from May 16; A. S. Johnston, Colonel U. S. A., to rank from May 28; R. E. Lee,

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\* Johnston's Narrative, pp. 96, 97.

† Pollard's Second Year of the War.

Lieutenant-Colonel U. S. A., to rank from June 14; J. E. Johnston, Brigadier-General U. S. A., to rank from July 4, and G. T. Beauregard, Captain U. S. A., to rank from July 21. The President preserved silence touching his motive, or authority, in issuing commissions of five different dates to officers created by law, only, for whom commissions bearing "one and the same date" were legally prescribed. He construed the intent of the law to apply to field officers only. J. E. Johnston had been promoted from Lieutenant-Colonel, of the cavalry arm, to the staff office of Quartermaster-General, with the rank of Brigadier-General. S. Cooper came into the Confederate service from the staff office of Adjutant-General, with the rank of Colonel. The President made Cooper the ranking General. He spoke, in public and private, in bitter terms of the protest of J. E. Johnston. Public and army discontent with the inefficiency of the conduct of the war, by the Administration, induced Congress, in the early months of 1862 to create the office of General of all the Armies. The President vetoed the act but, to assuage the hostile public sentiment, he summoned General Lee from the comparatively small Department of the coast "to act under the directions of the President," with his office at the capital. The country accepted this assignment as the practical sacrifice of its just expectations of support from General Lee. It was known to be a position unbecoming to his military capacity and the influence of his name and fame, in a popular cause.

The President was inaugurated under the permanent Constitution, February 22, 1862. Standing at the base of the statue of Washington, surrounded by thousands, many battle scarred, many more already depressed in business or broken in fortune, he delivered an address so fervid with lofty self-consecration, so chaste, so inspiring to the high resolve of his country that the production will survive as among the best examples of American oratory. The first cabinet under this government was soon announced: Judah P. Benjamin, Secretary of State; George W. Randolph, Secretary of War; S. R. Mallory, Secretary of the Navy; C. G. Meminger, Secretary of the Treasury; Thomas H. Watts, Attorney-General, and J. H. Reagan, Post Master-General. The army was greatly encouraged by the appointment of General Randolph to the War

Office. But, refusing to the President the flattery bestowed on him by the strong minister, Benjamin, or the subserviency yielded to him by the weak minister, Meminger, the valuable services of the new Secretary of War were broken off after a term measured by weeks. He was succeeded by James A. Seddon, a politician of local importance, in Virginia, a valetudinarian, without military experience or education in military affairs. Mr. Seddon held his office until, in the expiring gasps of the Confederacy, General John C. Breckenridge was called to fill it, to conciliate an indignant and prostrate people.

The relative strength, relative enterprise and prospect of the two colliding Republics, toward the close of the first winter of preparation for general war, when examined, will show that the United States was in a most precarious condition, from which the wisest statesmanship and the best generalship could not be expected to rescue that government, unless prolonged misuse of the talent and the resources of the Confederate States should enter the problem of its safety. Ten years after the close of the war, General Bragg, a Northern man and an officer who served on the side of the United States, was made chairman of a special committee to enquire into the claims of Miss Anna Ella Carroll, of Maryland, before the House of Representatives. The basis of Miss Carroll's claim was, an invalid pension due from the government for distinguished services rendered by her, November 30, 1861; and the nature of the service was, the suggestion by her of an original plan of a military campaign into the States of Kentucky and Tennessee, submitted on that day by her to the government at Washington, and which was the plan, in the main, executed with success soon after in the capture of Forts Henry and Donelson. The substance of the report of the special committee of enquiry was: Great doubt of the success of the Union cause prevailed in the mind of the government of the United States, in the winter of 1861-62; the government believed the commercial powers of Europe would recognize the Confederate States, unless its own military operations, in the West, should be eminently successful; the success of that campaign alone averted national bankruptcy. To the report was appended a letter, written after the war, by Benjamin F. Wade, chairman of the Senate Committee on the Conduct of War,

addressed to the petitioner, Miss Carroll, in which Senator Wade said :

"We were in the deepest despair, until just at this time Colonel Scott informed me that there was a plan already devised, which, if executed with secrecy, would open the Tennessee and save the national cause. I went immediately to Mr. Lincoln. \* \* I said to Mr. Lincoln: 'You know we are in the last extremity, and you have to choose between adopting and at once executing a plan which you believe to be the right one, and save the country, or defer to the opinions of military men in command and lose the country.' \* \* After repeated talks with Mr. Stanton, I was entirely convinced that if put at the head of the War Department he would have your plan executed vigorously. \* \* Mr. Lincoln, on my suggesting Stanton, asked me how the leading Republicans would take it—that Stanton was fresh from the Buchanan cabinet,' etc.

While these straightforward, common sense preparations were hurried forward by the civil government of the United States, against the advice of its own soldiers, the civil government of the Confederate States ordered the disbandment of camps of volunteers and defeated other preparations of Albert Sidney Johnston to fight in the West "the decisive battle of the war." General Johnston called on the Governors of States for troops not only to meet and vanquish the troops of the United States in Kentucky and Tennessee, but, this success attained, to cross his victorious forces into Missouri and to compel the United States to meet, on that distant field, the issue raised by the Confederacy. He would hold the Mississippi from the western shore, bringing into his ranks tens of thousands of the sturdy fighters of Missouri, Arkansas and Texas. From that side of the Mississippi, too, a Confederate army of occupation might reasonably be expected to break the overland line of communication, then in use, between the government at Washington and California and Oregon, where the political temper of the people was considered, at least, doubtful. Up to the time of the successes of the United States troops under, the mal-administration of Mr. Benjamin, in the war office, the Confederates had won at Bethel, under Magruder and D. H. Hill; had foiled Patterson, under J. E. Johnston; had won at Manassas, under Johnston and Beauregard; at Leesburg, under Evans; at Gauley, under Floyd; on the Greenbrier, under H. R. Jackson; on Santa Rosa Island,

under R. H. Anderson ; at Chastenallah, under McIntosh ; at Oak Hill, under Price and McCulloch ; at Belmont, under Polk and Pillow, and, as we have seen, had driven the enemy across the Potomac in northwestern Virginia under Jackson. Generals, and troops, from many States had attested by their efficiency and valor, their devotion. But the fall of Roanoke Island had opened the way to the fall of Norfolk and the siege of Richmond. The strategy of the Johnstons had been overcome by the interference of the War Office. G. W. Smith was soon to resign, because of continued neglect ; Sterling Price was to be reduced to inactivity ; Beauregard to be forestalled in his own army, while Bragg, Pemberton, Holmes, Heth, were to be assigned to most responsible positions.

Gustavus W. Smith, a West Point graduate, was an officer of so universally conceded accomplishments that both Albert Sidney Johnston and Joseph E. Johnston asked to have him assigned to their armies. Sterling Price was one of the most typical of Southerners. In 1845 he took his seat in the Lower House of Congress, from Missouri. Failing to be re-nominated by his party, the Democracy, he resigned when his term was half spent, raised a Regiment of volunteers and, at its head, performed a conspicuous part in the Mexican war. He was elected Governor of Missouri in opposition to the Union party, of 1851, after an active and extremely bitter campaign, the opposition lead by Thomas H. Benton. When the Confederacy was organized he was commander of the Missouri State Guard, with the rank of Major-General. He espoused the cause of the Confederacy, fought battles for it on Missouri soil, and developed a high order of military capacity. His personal popularity in his State, among the friends of the Southern movement, was boundless. His troops were devoted to him with a wild enthusiasm. He bore with proud magnanimity the neglect of the government and the practical reduction of his rank, but the effect of harshness visited on him was seen in public detriment to the cause in Missouri.

In less than two years from the outbreak of hostilities the financial affairs of both Republics were on the brink of ruin. The revenues of both governments consisted, for the most part, in paper promises to pay. Gold rose to twenty-five for one in New York. The expenditures of the United States

government were ten to fifteen fold the expenditures of the Confederate States government. But the superior management of the United States finances was seen in the effort, here and there, to keep the paper currency in circulation. The army increased by hundreds of thousands of men, for whom arms, powder, ball, clothing, boots, hats, medicines, horse equipments, wagons were required and were manufactured at home. Ships of war were built, rapidly, at home. The business of filling army contracts employed millions of capital and tens of thousands of wage workers. So long as the war could be maintained on Southern soil the Northern manufacturing and commercial interests desired no more safe or profitable occupation than government contracts, payable in the paper of the government. Nevertheless, the fall elections of 1862 revealed a widespread dissatisfaction with the party in power in the United States. Six of the most powerful States sent up a protest, most alarming, to the government. The Democrats were defeated in New York, in 1860, by more than fifty thousand votes, but, in 1862, they elected Horatio Seymour, their leader opposed to war, Governor. New Jersey, Pennsylvania, Ohio, Illinois and Indiana, with New York, possessed the bulk of the wealth of the United States and furnished the majority of the troops in the field. They offered, in their vote of 1862, unmistakable evidence of the growing unpopularity of the war.

The President of the Confederate States left no ground for faith in a reform of the financial measures of government. The most extravagant predictions of the stability of the treasury note currency were announced in his inaugural of February; yet this currency had been on a steady decline since September, 1861, and was then enormously discounted. In August, 1862, he sent a message to Congress declaring "the people had evinced a preference (over bonds) for treasury notes so marked that legislation is recommended to authorize an increase in the issue of treasury notes, which the public service seems to require." Meantime, the area of the Confederacy was constantly reduced by the fortunes of war, the government steadily refused to allow cotton to be exported and the United States was actively engaged in smuggling cotton through Confederate ports. Continuing, the message

announced: "No grave inconvenience need be apprehended from this increased issue, as the provision of law by which these notes are converted into eight per cent. bonds, forms an efficient and permanent safeguard against any serious depreciation of the currency." Thus it was explained, that without any basis for bonds or currency, in a foreign commerce or interior commerce, the public appreciation alone would continue to preserve a wholesome equilibrium between the two descriptions of paper, calling out treasury notes when currency was needed and retiring them for bonds, when a plethora menaced their value. The immediate result of the financial policy of the Confederacy was the outbreak of speculation which, in no small degree, embarrassed the government. A single instance will suffice. A ship arrived at Savannah contemporaneous with the receipt by Secretary Benjamin of a demand for arms from General A. S. Johnston. The Secretary informed General Johnston that 1,800 stand of arms had come for government account on that vessel and that the government had been able to buy from private parties more than 1,700 stand of the same cargo. Gambling and speculation, rather than conversion into interest bearing government stocks, employed the currency of a government whose financial wreck every financier of ordinary sagacity foretold. But, in the elections in the States of the Confederacy, no dissatisfaction with the most vigorous war measures were expressed. The civil officers best prepared to promote the pursuit of war was the only issue involved in those elections. Thomas H. Watts was summoned, without notice, from the command of his Regiment in the field to the Cabinet and, against his wish, was elected Governor of Alabama, from that position, because the people knew his fidelity and capacity pre-eminently fitted him to sustain the war upon the resources of the State; while the State itself should undertake under a humane and firm Chief Executive to adopt the extraordinary measures required of it for the collection and distribution of bread for the dependent families of soldiers, living or dead.



## CHAPTER 27.

### Senator Yancey.

1862-1863.

Mr. Yancey's oratorical labors in the free States, in 1860, enlarged his sympathies and cultivated his intellectual discrimination. Trained already, as were his mental faculties, to quick apprehension and prompt decision, he had time, brief as were the hours, to draw inspiration from great libraries and to study the organization of the most potential and the most unsettled social conditions of the world, as he moved in their midst. Learned and polite men of all political parties had opened their hospitality to him. The time spent in Europe was his first holiday in many years. The results of his observation and reflection there were apparent in his short but brilliant career in the Senate — the befitting crown of his fame. Arduous as were his official labors in this capacity, he did not neglect the social duties of his station. "To those who saw him socially, he was the gentlest, the most exquisitely refined of men; the most considerate, well bred of gentlemen — was the embodiment of the highest type of Southern chivalry."\*

Mr. Yancey, upon landing at New Orleans, was invited by merchants and others to appear in the rotunda of the St. Charles Hotel to speak a few words touching the feeling of the commercial powers of Europe. Complying with the request, he warned the audience that the Confederacy must rely upon

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\**Cosmopolitan Magazine*, December, 1891.

itself; that foreign assistance was not probable. The President's secret knowledge that Yancey referred, in his own mind, to the failure of the Administration to attempt what the returned Commissioner believed to be a promising foreign diplomacy, angered him not a little. Immediately upon Senator Yancey taking his seat, he explored the records of the Treasury and War Departments, seeking to discover why the Confederate States had fallen so far behind the enterprise displayed by the United States in maintaining a paper currency and in the purchase of arms and munitions of war, in Europe. Meanwhile, the alarming unhappy personal relations of the President to the great men, civilians and soldiers, of the Confederacy and his fateful reliance upon weaker men revealed itself. The two leading newspapers, the Richmond *Examiner* and the Charleston *Mercury*, edited by Daniels and Rhett, respectively, were pronounced in opinion that the Confederacy was in great peril from mal-administration. The impression made on Mr. Yancey's mind by the condition of affairs in the government, is expressed by the following extract from a private letter:

"I vividly recall the very last time I ever saw the great orator and parliamentarian, and I can never forget the peculiar impression his appearance made on my mind. It was in my parlor at Richmond, that I last saw him, soon after his return from abroad, in a private interview in which he related the details of his fruitless mission. Hopeless despair was written on his fine face, ah, and wailed out in every tone of his voice. The doom of his beloved South was to him a personal execution. He seemed literally to have perished with his hopes."

Having made a thorough examination of the acts of Congress, the condition of the Departments and the course of the President, Mr. Yancey from his private apartments, on Sunday, wrote to the President a confidential letter:

"RICHMOND, April 6, 1862.

"*Sir*: I have had occasion, very recently, to examine with some care the instructions of the War Department to Captain Huse, and the letters of that officer to the Secretary of War.\* The finished military education of Captain Huse naturally inclines him to buy none but the most superior rifled arms.

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\*Caleb Huse, a native of New England, a graduate of West Point, was elevated from the station of commandant, or drill master, at the University of Alabama, to Confederate Agent in Europe, with plenary control of purchases of war material.

“The instructions of the government strengthen him in that inclination.

“The markets of Europe at this time can afford few rifled muskets.

“Many very fair smooth bore muskets can be bought in Europe, if pains are taken to find them.

“The appointment of, at least, two additional officers to make different sections of the continent of Europe their spheres of action, would facilitate the acquisition of such arms.

“Instructions to each officer, to confine his operations to the section allotted to him, would avoid conflict with others and also would be some protection against speculative prices.

“The manufacturers of rifled and other muskets, as well as carbines, are now pretty much open to the monopoly of your contractor. But to this end a large amount of cash, in hand, is absolutely necessary. Forfeit money must be deposited with the contract. Cash is absolutely required on delivery of the arms — which would be monthly.

“I notice, in Mr. Meminger’s statement of the amount of money sent to the agent of the War Department, that in the most critical period of your contracts, in England, between September 25, 1861, and January 19, 1862, nearly four months, he only sent \$1,031. The consequence was, Captain Huse had to beg an advance from Sir Isaac Campbell and Company, to the amount of a half-million of dollars. Had this house not come generously to his relief, we should have lost every contract; and also some fifty thousand muskets, delivered in that period and since.

“The funds sent, up to March 1, *ultimo*, will only pay for deliveries under old contracts; which do not, I believe, call for more than 10,000 muskets per month.

“If we are to arm 200,000 additional men, or rather obtain 200,000 or 300,000 additional muskets, by fall, not only will you be compelled to send additional officers, imbued fully with your ideas, but a million dollars, a month, also.

“Pardon me for the suggestions. They are dictated by a solemn sense of duty. I address them to you because I believe, from the immense pressure upon you of every public

interest, you cannot comprehend all, unless with the aid of some plain spoken friends.

"I have spoken of what I know, and submit it for what it may be worth to your consideration.

"Respectfully, your obedient servant,

"W. L. YANCEY.

"*To His Excellency, the President.*"

The informal character of this letter was justified in the past intimacy of the parties to the correspondence. It was a frank and even bold impeachment of the Secretaries. It went so far as to prove the inefficiency of their administration, by specific allegations of duty neglected. But it marked the termination of the President's kindly feeling toward Yancey. The explorations of the Departments, by a Senator, in advance of the President, as Yancey had explored and then criticised, was held to be an unpardonable impertinence. So long as Yancey was content to remain in Europe, acknowledging his instructions, and obeying them, the President's warmth of friendship remained unabated. But, from the counsel of a friend, who saw further than the Administration, he turned in lofty scorn and bitter irony. The President replied and the Senator rejoined :

SENATE CHAMBER, April 17, 1862.

"*Dear Sir :* I did not expect a reply to my letter of the 6th instant.

"I regret that I cannot comply with your request to furnish you with information in respect to smooth bore muskets, the places where and the parties from whom they may be obtained.

"I kept no memoranda of the facts, as they occurred, and am away from my correspondence, which might aid me somewhat.

"My object in writing upon the subject was : 1. To assure you that you could have obtained, and can now obtain, a serviceable arm in Europe, such as your agent has not deemed proper to buy, under his view of his instructions ; 2—to suggest my opinion that other—I mean a greater number of—agents, assigned to distinct territory, in Europe, would facilitate purchase of such arms ; 3—and chiefly, that a more regular

transmission of funds, and in larger amounts, is absolutely necessary.

“I undertook the task of doing this from the conviction that you were not aware of the fact that funds had not been transmitted from here, with regularity, and in sufficient amounts.

“I am the more convinced of your want of information on this point since the receipt of your letter, on yesterday.

“By reference to official statements, sent to the Senate by Mr. Hunter, it appears that from September 23, 1861, to January, 1862, the entire amount, sent to Anderson and Huse was \$1,031.52. Captain Huse's letters previously warned the Department of his need of more funds to pay his contracts for 10,000 Enfield muskets per month—that is about \$200,000 per month.

“When I left, February 3, Huse had received nothing for several months; had relied on advances from our London friends, to the amount of half million. On February 20, when Mr. Halfman, bearer of dispatches to the Confederate Government, left, no funds had been received.

“I know your own conviction of the necessity of procuring arms. I believed that you were unaware that the failure was, not in miscarriage of remittances, but was because, for months, no remittances were made.

“I have a strong conviction that this failure was because of the adoption of a new method of obtaining arms, in September—a *reliance on private contracts to obtain arms from Europe.*

“Finding difficulties in the way of obtaining your ear, confidentially, as I preferred, I concluded to write. I wrote from a sense of duty; I reply to your letter, more especially, from a sense of duty.

“I would prefer this and my previous communication on the same subject to be considered confidential. It was designed to call your attention to the policy of employing government agents in the purchase of arms and to the facts recommending punctuality of remittances.

“Most respectfully, your obedient servant,

“W. L. YANCEY.

“*To His Excellency, Jefferson Davis.*”

The pertinacity of the Senator only confirmed the antagonism of the President. It is a little singular that while Yancey wrote his first letter the first day of the battle of Shiloh was being fought. It is remarkable that so ignorant were the people, and even the Congress, of the causes which had lead to General Albert Sidney Johnston's precipitate retreat from Kentucky and Tennessee, to Corinth, Mississippi, that the most flattering and urgent calls were made on the President to hasten to take command of the army of the West in person, to save the cause. The people instinctively decided that the decisive battle of the contest was at hand in the West. They foresaw that to which Secretary Benjamin had been blind, when he checkmated Johnston's plans for raising and arming twelve-months' men. A large part of Johnston's army had been left at outposts and, presumably, abandoned to capture, also, an immense quantity of provisions.

"General Johnston can never re-organize or re-inforce his army (telegraphed a member of Congress, from Atlanta, to the President, March 11, 1862). The people now look to you as their deliverer, and imploringly call upon you to come to the field of our late disasters and assume command, as you promised in a speech to take the field whenever necessary. That necessity is now upon us. Such a step would be worth 100,000 soldiers throughout the Confederacy. Can you then hesitate? \* \* If your presence is impossible, for God's sake give immediate command to Beauregard or Bragg or Breckenridge or all will be irretrievably lost. Save us while there is yet time."

Another member of Congress, at whose house General Johnston had stayed on his march, wrote to the President:

"General Johnston's army is demoralized. Your presence would re-assure it and will save Tennessee. Nothing else can. For God's sake come!"

An officer of high rank telegraphed to Richmond from Memphis:

"If Johnston and Hardee are not removed the army is demoralized. President Davis must come here and take the field."\*

The President's personal regard for General Johnston proved equal to the support of that great commander in his dire extremity, even when his sense of official duty had not interfered to arrest the disastrous policy of the War Office, in the earlier months of preparation. He wrote a beautiful and

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\* Life of General Albert Sidney Johnston, pp. 511-512.

manly letter to his old friend, the commanding General, re-assuring him in the confidence of the Government. Indeed, so gracious had the Government now become, that Secretary Benjamin wrote :

“The condition of your Department, in consequence of the largely superior force of the enemy, has filled us with solicitude, and we have used every possible exertion to organize some means for your relief. \* \* We have called on all the State for a levy of men for the war and think in a few weeks we shall be able to give you heavy re-inforcements, although we may not be able to arm them with good weapons.”

While Johnston yet held Kentucky, he had urged the supply to him of these very arms—the arms of private citizens. While at Bowling Green, he wrote letter after letter urging the abandonment of an indefensible sea coast, the concentration of Bragg’s and Lovell’s forces, with his own, and the joining of a decisive battle. But it was only after he had been driven from Kentucky, and Halleck and Buell were on the direct march to the coast, that the Government saw its way clear to endorse his strategy ; then only, after the surrender of tens of thousands of his best troops, at impracticable fortified camps. Falling back with his force, the left wing of Johnston’s army, Beauregard issued a stirring appeal to citizens to come to the defense of their country “to fight the decisive battle of the war.” Several regiments, in this brief time, were enrolled. A cargo of arms arrived, and 2,800 of these were put in the hands of new levies. The Governors had sent forward some State troops. General Bragg, describing the men and their arms, carried into the battle of Shiloh by General Johnston, wrote :

“It was an heterogeneous mass, in which there was more enthusiasm than discipline. \* \* Rifles (of the ordinary huntsman’s pattern half century old) rifled and smooth bore muskets, some of them originally percussion, others altered from flint locks by Yankee contractors, many still with the old flint and steel, shotguns of all sizes and patterns held place in the same regiment. The task of organizing such a command in four weeks and supplying it, especially with ammunition suitable for action, was simply appalling.”

The task of organizing, which General Johnston had entered upon in September, countermanded by the Secretary of War, was forced upon him four weeks before the great battle,



and after the enemy had concentrated a great force and won important victories. Embarrassed as General Johnston was by the fateful administration of the War Office, he succeeded in his original plan of concentrating his forces and defeating the enemy in a great battle. He had proposed to defeat and capture Grant, hemmed in between the Tennessee river, at his rear, the Confederate army on his front and an unfordable creek on either flank. Grant disposed of, he intended to drive Buell, hard by, across the Ohio, then cross the Mississippi and raise a great army from Missouri, Arkansas and Texas.\* Grant was actually defeated, and upon the verge of capture, when Johnston fell, and his grand strategy fell with him. Beauregard, next in command, had been ill for months, suffering intensely from a disease whose pathological nature was nervous depression. From his bed he had commanded his own corps, of the retreating army. From his bed he had risen to go into the great battle and, when Johnston fell, was two miles to the rear of the victorious advance, lead by the commander in person, seeing only the skulkers and the wounded. The only mistake, perhaps, of this great soldier, in the whole war, was made in an order restraining the troops, almost in the act of the final charge which would have dispersed or captured Grant and his army. In pronouncing his order, withdrawing the advance of the Confederate army from the vicinage of Pittsburg Landing, toward the close of the day, a mistake, the criticism is sustained by all oral and written evidence, which I have been able to obtain, except that coming from General Beauregard and his staff. The successes of Beauregard, before and after Shiloh, are of the most glorious pages of Confederate military history — rich in strength and versatility of talent and secure in the unvarying confidence of the army, and of the people in their homes, to a degree which was not excelled. “General Whitthorne, go tell your people that, under the favor of Providence, I will return in less than ninety days and redeem their capital,” was the message of Albert Sidney Johnston left with the people of Tennessee, as he passed on to the rendezvous of his army at Corinth. Beauregard, in health, was quite equal to the redemption of this pledge.

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\*Life of Albert Sidney Johnston.

Concentration of armies and invasion of the enemy's soil was the grand strategy advised by the Confederate Generals, in the first year of the war. Members of Congress, believing the discharge of their duty required them to demand some show of defense of every port on a long sea front, and every important town on a long border line, rose up in protest. The President, believing the responsibilities of his office to be divided between obedience to the popular will and the superintendence of the army, in small and great matters, took counsel of his erroneous judgment in deciding against the Generals. Not until the enemy had so recruited, armed and trained his forces, as to reduce greatly the Confederate territory, leaving the Confederate armies a limited area to defend, was the original advice of the Generals seriously considered by the civil authorities. Then began the unequal battle—the smaller nation frowned upon by all foreign powers, in the impotency of its diplomacy—having no plan of war save to watch the inroads of the invader, strike him heroically, receive his return blow and see him all the stronger from the collision, let the immediate result be what it might.

Many were the struggles of the genius of the Southern people to rise to the task before it. General J. E. Johnston had warned the President, at Fairfax Court House, that the army must advance from that position, or fall back so soon as McClellan might determine his own course. McClellan decided to take the water route to the fortifications around Richmond. To meet this movement Johnston fell back to the Peninsula. Arrived with his army, he at once discovered the indefensible nature of the country, flanked on either side by navigable waters open to the enemies ships; the enemy's base being at one end of the field and the Confederate capital at the other. In the rear of the enemy's base was the Atlantic ocean and in the rear of the Confederate capital was the territory penetrated by good roads, bordering the enemy's country. Leaving his camp at nightfall, Johnston galloped the forty miles into Richmond and at sunrise awaited at the President's office to lay before him the most weighty scheme of campaign upon which the Confederate cause depended. He explained to the President the whole situation. Huger yet held Norfolk, in idleness. Troops were available all along the coast of the

Carolinas, Georgia and Florida. The opportunity to concentrate and invade the enemy had been lost, the opportunity to concentrate and repel the invasion of the enemy's principal army was now apparent. These were the only two opportunities promising success. McClellan could be destroyed, if the President would give the order. "Such a victory will decide not only this campaign, but the war, while the present policy will produce no result," urged the intrepid Johnston. The President listened attentively and invited General Johnston to attend a council at his office as soon as possible. In a few hours the President, the Secretary of War, Randolph, and Generals Lee, Johnston, G. W. Smith and Longstreet met there. Smith concurred with Johnston; Longstreet seems to have taken little part in the discussion. The Secretary, once a naval officer, with the traditional attachment of that class to Norfolk, spoke against a strategy which would sacrifice the position. General Lee was familiar with the topography of the Peninsula. His wife had inherited, from Washington's heirs, the "White House" and then occupied the estate, situated in that region. He thought there were many defensible positions which General Johnston's army might hold there. It may be questioned whether General Lee rose to his full measure on this memorable occasion. His services to the Confederacy had not then increased the reputation he brought with him from the "old" army, but neither the people nor the army were impatient of him, knowing the circumstances which had conspired to deny him opportunity. But the grand strategy proposed by Johnston involved some civil problems, and General Lee never considered or never discussed politics. To meet and contend with the enemy, on such terms as his government prepared for him, seemed to absorb his attention. Resourceful and daring in his proper sphere, it is not apparent that General Lee rose, in the council, to the full measure of his mental view. There was no responsibility to enkindle his genius, and much environment to excuse the indulgence of his native modesty. His superior in authority, the Secretary of War, had spoken, what the President thought; and, certainly, the feeling toward Johnston, Lee well knew. Realizing that he occupied a position scarcely other than secretary to the military head of the government, his professional training and

the natural bias of his mind towards the rule of order in all things were circumstances of powerful influence in determining his utterance in a fearful crisis. If error there and then be committed, it must be irreparable. The armies of lawyers, doctors, merchants, planters, collegiates and university men never seriously compared the intellectual force of Lee and Joseph E. Johnston, who apparently differed in the council. An enthusiastic devotion of the heart of the army and a boundless confidence of the judgment of the army, in both leaders, left no room for such comparison. They hold that Joseph E. Johnston held on the affections of his army was due, in no small measure, to the public knowledge of his opinion on public affairs. If the reflections of General Lee on public affairs reached beyond their influence upon his campaign, the public knew little of them. Lee's equipoise of temper, his immovable idea of order was well adapted to the nature and fancies of the President, who preferred him to Joseph E. Johnston; the wider sympathies of the vice-President lead him to declare that of all Confederate Generals, Joseph E. Johnston possessed the clearest comprehension of Confederate conditions of warfare.

The President dissolved the council at one o'clock in the morning, with instructions to Johnston to adopt the recommendation of Lee, that defensible positions for his inferior army be chosen and the Peninsula be held. Johnston knew full well the Peninsula was indefensible. Did the conclusion of the council mean that the Confederate States was to pursue war without an original plan? Two original plans only were open to adoption: (1) Concentration and transfer of the seat of war to the enemy's soil; (2) concentration and driving back on the frontier the enemy's invasion. To recommend the former, Joseph E. Johnston had invited the President to the council, in November, at Fairfax Court House: to recommend the latter, Johnston had met the council in the President's office the following April. The President overruled both original plans. Confederate resources of war, in men and material, were thus doomed to steady exhaustion and the resources of the enemy allowed opportunity for ceaseless augmentation. The Confederacy, so rich at the outset, was to be impoverished by the waste of defensive warfare, feeding

its own army as well as its invaders. Confederate generalship in the future must be the generalship of Fabius and Washington, and be, withal, unappreciated by the civil authorities. The Congress commanded Washington to defend the territory and hold a position, viz., the city of New York. Washington abandoned the position and saved his army. The Congress dispatched a brave and experienced officer, General Lincoln, to defend Charleston. Lincoln occupied the city with an army of seven thousand men, but allowed the British to approach it by slow degrees and to besiege it. The position fell and the Congress lost his entire army. Three States thus left unprotected were entirely overrun. Finally, Washington escaping from Clinton's front, in New Jersey, ordered LaFayette, in Virginia, to unite with him, abandoning the whole country to concentrate the whole army upon Cornwallis. The British commander was overtaken, on his way to Clinton, at Yorktown and in his capture the war was terminated. The movement of the American revolutionary leader will be reckoned among the highest examples of grand strategy known to warfare. The repetition of grand strategy allied to it, and urged by Johnston, was refused by the council sitting in the President's office at Richmond.

The Northern soldier had now been taught to keep his saddle and take aim with his rifle, without shutting his eyes. Time had accomplished so much towards bringing him up to the original soldierly qualities of the Southern soldier. Enthusiasm, always the result of an invasive warfare, assisted the United States. Europe had quickly learned to expect nothing from the commercial advantages possessed by the Confederate States. The test of Confederate generalship became capacity to sustain the retreat of armies. To save the army, as Washington had saved his, and not to lose it, as General Lincoln had lost his, and saving the army, to confine the enemy to narrow tracks of invasion, was the intellectual problem involved, after the action of the council of April, 1862, in the defensive war of the Confederate States.

Beauregard's defense of Charleston and a long sea coast presented a display of genius unrivalled and startling, standing off to itself, an achievement in the science of war without a parallel.

Discouraged at his attempt to approach the President, as a counselor, Mr. Yancey resolved to place evidence of the apathy of the Treasury Office and of the capricious and destructive course of the War Office before the Senate. Three days after the date of his last letter to the President, he addressed a letter to Major Huse, in London. He asked for such general reports of his transactions, on account of the government, there as a Senator might have the right to know and an agent have the right to communicate. The nature of the letter of inquiry will be seen by the expressions of the reply. It is to be observed that Major Huse knew that cargoes passing between the Confederate ports and ports of Europe, as late as the middle of July, 1862, were rarely overtaken by the enemy. It will appear from his letter that, while he was diligent in the exercise of the unlimited authority granted him, under his plenary powers, he was not an officer suited to the very responsible position he held. To prove the nature of the instructions sent to Huse, and to prove that Huse was not the right man in his place, seems to have been an easy task to the Senator.

Major Huse wrote the following letter.\* The confidential tone is remarkable :

"38 CLARENDON ROAD, NOTTING-HILL, }  
"LONDON, July 3, 1862. }

"Hon. William L. Yancey:

"MY DEAR SIR: I have before me your kind letter of April 20, and beg to thank you for your interest in regard to my embarrassments. For I certainly have been embarrassed in regard to my operations since I have been in England. It would be improper in me, however, to endeavor to cast any censure upon my official superiors, excepting it were necessary for me to do so in defending myself against direct charges. This necessity has not arisen and I trust it will not. I have heard, from private sources of information, of very grave charges having been made against me by individuals who, in every instance that has yet come to my notice, have been men holding contracts from the government. In some cases my course has been calculated to offend men holding contracts from the government, and I find that they have endeavored to injure my character in the most shameful manner since their return to the Confederate States. I shall not, however, give to these indefinite aspersions any consideration. So long as such good fortune attends shipments of goods made by me, as has been the case,

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\* From the original MS.

with the single exception which it would not be prudent to mention, it will not be necessary for me to attempt any defense. The results tell a better story than mere words could.

“ You ask whether I have had my operations limited for want of funds—or rather, you state that I have, apparently with the expectation that I will confirm what you state. Most certainly twice as much can be done with two million dollars as with one million, and in Europe there appears to be no limit to the amount of money that can be used.

“ I may say that my operations have always been more than commensurate with the funds on hand. I have not allowed money to remain in bank idle for a day more than has been necessary. My orders have all the time been far in advance of my receipts. At present they are largely in excess of what has been received, or I can even expect for some time to come. I hope, however, that everything will come out right, and I have little doubt on the subject.

“ As regards my having misappropriated money: It is in a measure true that I have done so. I have done so to this extent — My first instructions were from Secretary Walker to purchase certain arms, and ammunition and accoutrements. These instructions were given in April, 1861, within a few days after the attack upon Fort Sumter, at a time it was supposed by every one the war would be a trifling affair in comparison with what it has actually become. Under these instructions my operations would have been very limited. Subsequently I received instructions to consider my original orders binding, but to exercise my own discretion as regards purchases to be made. \* \* The army was to be provided with blankets, shoes, clothing and medicines as well as with arms. Contracts appear to have been promptly given out to a very large extent to different parties for these articles. Most of these parties failed entirely in carrying out their intentions, and it seemed to me of the highest importance that these supplies should be had at any sacrifice of money. It appeared to me even to be more important that such an army as we were sending to the field should be well clothed and equipped than that the arms should be increased. And I think you will agree with me, upon a little consideration of the matter. Since the war first began our citizens, from the highest to the lowest classes, have exhibited an eagerness to be sent to the field that nothing but the want of arms could control. If there had been in the Confederate States 500,000 rifles at the time of the battle of Manassas, nothing could have prevented 500,000 men rushing into the field, and I believe that within six months from that time they would have suffered the most miserable and disheartening defeats conceivable. An army must be shod and clothed and blanketed as well as armed. Napoleon said, that army would win which was best provided with shoes.

“ I fully appreciated the importance of these supplies and I knew, perhaps better than most of the inhabitants of the South how skillful, and rich, and determined a people we had taken up arms against. I knew how dependent the South had been in almost everything upon



the North. But little reflection was needed to present the whole matter clearly before my mind. The city of Boston alone sent, some years ago, 3,500,000 pairs of shoes to the Southern States. There was not in the whole Southern country a single blanket manufactory. The South had always obtained its woolen goods from the North. The military schools in Virginia and Alabama obtained all their supplies of every description from New York. The South Carolina schools purchased most of their supplies in Europe. All medicines came either from New York or England. In short, almost every article that can be mentioned, needed for the protection and comfort of an army, had to be obtained from a foreign source.

“What, now, would have been the result had our armies gone to battle without these supplies? They would have gained just enough battles to have infuriated the whole Northern people and even greater efforts would have been put forth by them than has been the case. Our armies would soon have been only disorganized bands of sick and worn-out men. The North, with its immense resources of men and materials, would have found us occupying positions even more exposed and more distant from our supplies than Donelson was, and the result could not have been otherwise than disheartening and disastrous. As the case has been, we have had in the field quite as many men as we could provide for. If we had had more arms we could not have provided a corresponding supply of clothing. It never could be shown to the people that anything but arms and ammunition are necessary to an army. A General having to surrender because his men had no shoes would be laughed at. But when it is said the army had not rifles, the people understand the difficulty. Those who have to stay at home look kindly upon the troops that suffer disaster and applaud those who gain victories under such difficulties. \* \* Defeat from any other cause than want of arms would have caused our people to lose confidence in the wisdom of leaders and in the bravery of their men. It was therefore of the highest importance that those supplies of clothing and blankets should be supplied to our armies, even at the expense of a few thousand arms. \* \* \*

“The risk and expense of getting a bad musket into the Confederacy are quite as great as for the best rifle and the difference of cost in the first instance is comparatively small. The confidence and satisfaction of troops with good arms certainly adds greatly to their efficiency. It has been, therefore, in accordance with my own judgment that I have purchased only good arms. I have not been embarrassed by conflicting orders nor with too stringent orders as regards quality. \* \*

“I should have no hesitation in informing you what operations are now going on, but as you are doubtless aware one of my letters appeared in a New York paper lately and this may be intercepted also, I shall therefore avoid all allusions to that subject. \* \*

“The sympathy for the South in England is universal. In this particular there is perhaps some change. No one can see, however, in what way the government can interfere. \* \* The simple admission

on the part of the North that Halleck has had to assume the defensive and that Pope has given up the pursuit of Beauregard is better for us than anything our friends can write for either purely English or Anglo-Confederate papers. If we succeed against McClellan at Richmond and at Charleston I cannot see how recognition can be deferred. All that any one has to say against recognition in England is: 'What good will it do you?' This is, of course, begging the question.

"I am, dear sir, with great respect,

"Yours truly,

"CALEB HUSE."

The Senator, familiar with his people and their resources, knowing that the looms, which had supplied many thousands of men in the ranks with their clothing from infancy, sat under the back shed of the residences of their fathers; that every great plantation could readily be converted into a manufactory of stout woolen jeans, as well as cotton, on ten days' notice; that each Confederate soldier had a home whence the blanket of bivouac, at least at that early stage of the war, could be obtained, if he desired one, was in no small degree alarmed and oppressed with the views of the Quartermaster in Europe. The theory of Major Huse, based on his "polished military education," lead to the abandonment of great areas of country by the Confederate armies. The policy of war recommended by the Johnstons, and Beauregard and Smith, and the operations of Jackson, Forrest and Wheeler were calculated, in the first named example, and realized in the last, to provide clothing and arms and commissary stores to their invading troops. General Beauregard relates that about dark, a cold autumn night, a youth of seventeen years, belonging to Hood's army on its way to Nashville, came into his headquarters, wet and half shod. He did not know the General, who sat at the fire. Beauregard offered to order supper for him, but was assured he had lately enjoyed that meal and did not need more. An order on the Quartermaster for a pair of shoes was declined, with the apology: "Oh, we are going to fight in two or three days and I will get shoes enough."

The following letter contains some thoughtful suggestions:

"MADRID, April 7, 1862.

"Hon. William L. Yancey:

"DEAR SIR: Since I wrote to you by the steamer of 25th ultimo I have seen the announcement of your safe arrival at New Orleans; for which I most sincerely congratulate you and our country.

“Everything stands as it did then: no news; no hope of any kind until the federal government is ready to treat with us as an independent power. When this occurs, no matter from what motive, the federal government will be our natural ally, and it will be to our interest to make all proper concessions to strengthen that alliance. We shall have an enormous war debt and the annual interest and the gradual extinction will have to be provided for by a war tax. It is therefore nothing but fair that the amount necessary for those purposes should be raised by duties on imports from those nations whose reluctant and tardy action in our affairs has protracted the war and caused our financial embarrassment. Why should not the South intimate to the Northern government to agree, for a limited time, to raise its tariff to the rates that will yield the greatest amount of revenue, said rates not to be under a minimum fixed upon, with reference to the Northern tariff at any time existing, and that with such an arrangement the North and South dispense with frontier custom houses and have free trade between them. While Northern goods would thus be admitted free of duty by us, under a moderate tariff we would import and receive duties upon a large proportion of the foreign goods the North consumes. Besides, our cotton, rice and tobacco would be free from the tax which the North has imposed, or is about to impose, on them. If, as many believe, the main object of the North in this war is to retain their old home market for their goods, why not give it to them on these terms and thus avoid frontier troubles and secure a lasting peace with them?

“I throw out these suggestions for your consideration, believing that their adoption would facilitate the settlement of our dispute. We must not forget that however intensely our people may hate the Yankees, after we have conquered our independence it will be our interest as well as our duty to view them in all that relates to our foreign relations as a favored nation. Should other nations complain of our preference given the North, we will remind them, as a sufficient justification, of the course they saw fit to pursue in the hour of our need and of the evils it has brought upon us.

“I have nothing to communicate that would interest you. I have suffered from cold much more than in Paris. On April 5 the temperature of Madrid was precisely the same as of Moscow. Mr. Fearn and my sons wish to be remembered to you.

“I am, with great respect,

“Your friend,

“P. A. Rost.”

The argument of Commissioner Rost was the argument of the Unionists in the Alabama secession convention, spoken there by Mr. William R. Smith and answered at length by Mr. Yancey, from the standpoint of the Secessionists. Indeed, a commercial alliance with Europe was the favorite foreign policy of the Secessionists, while a commercial alliance with

the United States was preferred by the Unionists, at the outset of the Southern movement. Mr. Rost's letter was not without justification in the "extremity" in which the United States found itself, in the winter of 1861-2. It is interesting evidence, going to show to what extent the Confederate government held itself aloof, from the thought of the people, busied with the details of the army in the field.

When the President visited the army at Fairfax Court House to attend the famous council, much complaint came to his ears from Regiments brigaded with others not from the same State. He heard the pleas of officers and men for reorganization, to correct the assignment of troops in this respect, with secret pride in the spirit which prompted them. Rivalry of States to furnish troops to honor their States, was a wholesome indication of public faith in the cause of the army, which he justly appreciated. Returning to Richmond, General Johnston soon received an order from the Secretary of War to brigade the Regiments by States and to go so far as to place the Brigades from the same State in the same Division, and to make the change at the earliest day practicable, in his judgment. Johnston was unwilling, without positive orders, to reorganize Brigades and Divisions in the face of the enemy, whose centre was nearer to his centre than either of his wings was to his centre. Awaiting the opportunity, left at his discretion, the President became impatient at his delay and repeated the order, still leaving the General to act upon it at his discretion. When the twelve months expired for which the early volunteers had enlisted, there were a number of Colonels from Alabama who had discovered high soldierly qualities, while the troops from Alabama were in the enjoyment of a good name unsurpassed, even if equalled, in the whole army. The Alabama troops desired Alabama officers; the President hoped to attain certain beneficial results to the cause by appointing officers, above the rank of Colonel, to command them, without regard to their desire. The troops made known their preference, in respect to officers, to their Senators in Congress and, under the Constitution, the Senators were the advisers, ultimately, of the President. It was an army of citizen soldiery, with political duties to perform, calculated to preserve political rights. Under these circumstances

the following correspondence took place, adding at least one letter to the record of the month, showing Yancey's activity in his new office : \*

"SENATE CHAMBER, April 21, 1862.

"*The President:*

"SIR: Including the late call for 12 Regts., Alabama has 40 Regts. in the field and but five Brig Gens.—Withers, Rodes, Wood, Leadbetter and Forney. We are informed that two Brigades of Alabama troops in late battles at Shiloh were lead by Brigadiers from other States. It is certainly natural and reasonable that men should prefer leaders from their own State; and that those (officers) who think themselves qualified by education and experience to command should feel mortified and disappointed when they are overlooked and postponed; and Brigades from their own States are placed under the command of officers from other States who are their juniors in years, and in time of service, below them in rank and undistinguished on the field of battle.

"We should not think the aspirations for (the rank) of General officer by mere civilians, deserving much consideration when in competition with those educated and experienced in arms. But they seem to us entitled to respectful consideration in competition with other civilians from other States which have already their full proportion, or more, of General officers. We have heard that you objected to the promotion of some of the Colonels from Alabama, that they had not shown themselves in action worthy of a Brigadier General's command: and that your rule was, or in future would be, in respect to such officers, that one must win his spurs before he could secure such an appointment. We concede the justice and sound policy of the rule, when enforced in practice.

"Some of our friends from Ala. in command of Regts., to whom we have stated your rule as a reason for their not having been promoted, think the rule departed from in your last nomination of Col. Pryor for a Brigade Generalship.† Entertaining the same opinion and thinking there are Ala. Cols. whose commissions are of older date (than his) and whose experience and previous course of life give them higher claims to confidence, we have felt it due to them and to our State to call your attention to them. And, in accordance with their expectations and our own feelings, we respectfully recommend for appointment, as Brig. Gens. Sydenham Moore, Tennant Lomax, Thomas J Judge and Eli S Shorter—all in command of Regiments of Alabamians.

"We are most respectfully

"Y'r. ob't. s'v'ts.

"C C CLAY JR

"W L YANCEY

"N. B.—We think it proper to say further, that some of our Ala Cols served in the Creek war, of '37 in Ala. and 12 or more months in

\*The letter is in Mr. Clay's handwriting.

†Pryor, a newspaper editor, was put in command of a Brigade of Alabama troops.

Mexico. And furthermore, that we do not esteem Gen Rodes or Gen Leadbetter as Alabamians: The latter is a Northern man who has been resident in Ala only a few years and the former is a Virginian, who was only sojourning in our State while superintending the construction of a railroad of which he was engineer. We do not think he claims Alabama as his residence but regards Virginia his home and intended returning to it when his employment as engineer was completed.

“ Most respectfully,

“ Y<sup>rs</sup> &c &c

“ W L YANCEY

“ C C CLAY JR.”

This was an official letter, making such suggestions to the President as he was liable to receive from officers or citizens at all times. Its tone was respectful. The authors of it had been for many years, especially as to Mr. Clay, warm personal friends of Mr. Davis. In the “ old ” Senate no Senators were more intimate, perhaps, than Clay and Davis. The authors of the letter, writing officially, expected their communication to go on file for the use of the President. But its receipt gave him the highest offense. His anger was so intense that the letter was indignantly returned with the following disciplinary indorsement drawn across the back :

“ It is the province of the Executive to nominate and of the Senate to confirm or reject. Recommendations are willingly received and respectfully considered by me, but I will not argue as to their propriety and do not recognize the fairness of the within statement of my course, and assumption as to what it should be.

“ JEFF'N DAVIS.

“ W. L. YANCEY, }  
“ C. C. CLAY,     } Senators.”

The unsettled condition of the mind of Europe, in respect to America, and the revolutionary state of affairs in the United States, held out hopes to the people and armies of the Southern Confederacy. In the United States House of Representatives Mr. Norton, from Missouri, said :

“ If the Republican party had never been born we should to-day be a happy and united people. Before peace can return, justice, mercy and right must be established, superseding prejudice, passion, vindictiveness and hate. I would disband both armies and ask for a National Convention to arrange the trouble and restore the Union as it was.”

To these remarks Mr. Bingham, from Ohio, replied at once. He said :

“This talk about a National Convention is a side-door arrangement. How is it to be done?”

*Mr. Norton:* “Through the Legislatures of the States.”

*Mr. Bingham:* “It is the scheme of Mr. Vallandigham to divide the country into four parts. The speech of the gentleman from Missouri (Mr. Norton) is a lame and impotent apology for the most wicked rebellion ever witnessed among the children of men. The gentleman has argued in a carefully written speech, that if a portion of the American people had not exercised their rights under the Constitution this land would not have been drenched with blood. The Republican party would overthrow the meanest, the most aristocratic and most contemptible despotism on the face of the earth; and the vast territory of the Nation would not longer turn pale under the manacled foot of the bondsman.”

President Lincoln regarded with anxious mind, but calm demeanor, the bitter strife of the political leaders about him, members of his own party, lead by the ambitious and disappointed Secretary of the Treasury, Mr. Chase. Secretary Seward's correspondence with Minister Adams received a full share of adverse public criticism.

In England the newspapers were filled with rumors of mediation and intervention. The distress among the manufacturing classes in France was so great that a Government loan to relieve them was discussed. Earl Russell and Messrs. Bright and Schofield of the House of Commons addressed the English mill workers. Earl Russell declared that:

“The Southerners had the right to determine for themselves whether the time had come for secession; the Northerners were waging a war for empire and the Southerners for independence. The duty of England was to recognize the Southern States. (Tremendous applause.) Intervention meant war, and mediation means failure. He was for neither, but he was for recognition as a policy and a question of prudence, on the ground that the South had already shown her ability to maintain herself and the North could not subdue her.”

“Mr. Bright spoke in defense of the North and in violent denunciation of slavery, but, with the single exception of the *Star*, all the English papers condemned the speech. The government of England has considered a proposition coming from the Emperor of the French to join France and Russia in mediation.” \*

The Confederate Commissioners, while offering nothing of advantage in a treaty, continued to urge the moral right to recognition on the part of their government. Commissioner

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\* London Correspondence of the *New York World*.



Mason, writing to Lord John Russell under date London, July 24, 1862, said :

“The Confederate States ask no aid from nor intervention by foreign powers. \* \* But if the principles and morals of the public law be, when a nation has established before the world both its capacity and ability to maintain the government it has ordained, that a duty devolves on other nations to recognize such fact, then, I submit, that the government of the Confederate States of America having sustained itself, unimpaired, through trials greater than most nations have been called on to endure, and far greater than any it has yet to meet, has furnished to the world sufficient proof of stability, strength and resources to entitle it to a place among the independent nations of the earth.”

On the same day Mr. Mason wrote a note to Lord John requesting a personal interview. The British Premier replied on August 2, declining the interview. Lord John further said that while the Confederate Commissioner claimed his government had a population of 12,000,000 to sustain it, he had an official dispatch from the Secretary of State of the United States declaring that a large portion of this population had been restored to the Union, that the white population of the Confederacy did not exceed 5,000,000 and that the only hope of the Confederacy was in European intervention. Lord John said, also, that while the Union army had failed at Richmond and at Charleston, it had captured New Orleans, Memphis and Corinth. In the judgment of her Majesty's government any proposal from it to recognize the Southern Confederacy would irritate the United States and any proposal to the Confederate States to return to the Union would irritate the Confederates.

The policy of war recommended by the Generals of the Confederacy and approved by statesmen, Mr. Yancey among the latter, contemplated invasion of the United States, partly in anticipation of the effect upon Europe of a reverse policy. They referred to the successes and reputation gained by Napoleon, fighting his enemies on their own soil, whereby, too, the spirit of France was preserved to continue the unequal struggle for half the allotted life of a generation.

The perseverance of the Confederate government in its original policy, to offer no commercial alliance to European States, based on discrimination in their favor, left it now uncheered by the slightest official sympathy, so much coveted. More than this; the liberal principles which had regulated the

conduct of European powers towards other struggling *de facto* governments, for many years, was disregarded in the example of the Confederacy. When Great Britain and France, in the early months of the war, agreed to recognize the Confederate States, as a belligerent, they invited that government to assent to certain international propositions based on the treaty of Paris. The assent was given. Now, and without notice, Great Britain refused to observe its own propositions; and these related to the protection of either belligerent's goods under her flag and to the safety of British goods under either belligerent's flag. So, as time progressed, the Confederacy was thrown more and more on its own resources, unaided, as all usage forbid.

April 16, a bill to raise armies by conscription came up in the Senate. Mr. Yancey voted for the bill, but he did not think so extreme a measure necessary at that time. He preferred to call on the States for volunteers. He did not, however, oppose the measure, except to express his opinion on it as a matter of policy. So soon as the conscription adopted had brought the desired result — that is, to retain in the field the army now facing the enemy — he moved that the army be further increased by a call on the States. Congress did not assent to his motion, but, on September 27, passed another and more general conscript law. In the same connection, a statute passed known as the Exemption law. Governor Joseph E. Brown, of Georgia, took the position that Congress had no right to conscript soldiers in that State. The laws and Constitution of Georgia, he held, gave the Governor the right to "draft" militia, and the conscript act, if enforced, would render nugatory the Governor's authority. He claimed, therefore, the right to raise all troops required from the population of Georgia, and avowed his readiness to send any number, the State could furnish, to the Confederate authorities. Every call the Governor had made for volunteers had been responded to, so that, in the latest call, he had found it necessary to send a special messenger to Richmond to request the President to accept the surplus men offering, "which he kindly did, or I should have been obliged to order a part of them back to their homes." An angry correspondence sprang up between Senator Hill and Georgia politicians, on the course

of the Senator. Mr. Hill went to Milledgeville, the capital, to speak to the Legislature in explanation of his course. Governor Brown, in a published letter, criticised with great severity the speech. The Senator confessed he had not favored the passage of the first conscript act. Governor Brown alleged his name could not be found on the records as having voted at all on the passage of the second conscript act. But, in the Milledgeville speech, the Senator had declared the act had "saved the States and the country," and all who had opposed it were controlled by "ambition, interest or caprice." The Governor declared he would not review at length "a speech which, so far as it attempts argument, has only reproduced, in more verbose form, what others had already given to the public. Whether the extreme reluctance of the Senator to place himself on record, in favor of the conscription act, resulted from the over caution of the statesman or the subtle design of the politician, who was in doubt about political sentiment, is a question that the people may be as little embarrassed in deciding as is the Senator in reconciling his record at Richmond with his speech at Milledgeville." Toombs supported Brown's view. The quarrel in Georgia and the history of the conscript act add evidence to the prolonged differences of the Secessionists and Unionists on a war policy.

While Hill spoke to the Georgia Legislature, on the conscript act, Yancey arrived at Montgomery, and, in reply to an invitation, addressed the Legislature of Alabama, December 2, 1862, on the same subject. In the opening sentence he expressed regret that notice of the wish of the body to hear him had not been given to him a few hours earlier, "for, in that case, I should have been enabled to speak before you somewhat more methodically, judiciously, and with more of brevity than I am now prepared to do."

The duty of Congress, the orator said, was to exercise the sternest war powers conferred by the Constitution; to place every man in the field, that should be there, and, at the same time, provide for the agricultural and manufacturing wants of the country. Some good men and good lawyers alleged the conscription law was unconstitutional; that the only Constitutional right vested in Congress to raise armies was in calling forth the militia of the States, and that to admit the authority

of Congress to conscribe the material of the militia was to make null and void the right of the State to keep a militia. If these propositions were true, then the authority vested in Congress to make and declare war was, in fact, qualified by the tacit consent of the States, one and all, to supply the troops; for, without authority to raise troops, Congress was really without power to make war. The Constitution acknowledged a distinction between the State militia and the army and navy of the Confederacy in the provision which makes the President the commander, always, of the latter forces and the commander of the former only "when called into the actual service of the Confederate States." There were other provisions of the Constitution which preserved the distinction between the land and naval forces of the Confederacy and the State militia, going to show that the authority of Congress to raise and support an army was not dependent on the State laws for maintaining a militia. In the revolutionary war, the Confederation had no authority to raise troops, save by an appeal to the States. The framers of the Constitution, of 1787, were familiar with the peril into which the cause was thrown by this circumstance, connected with the struggle. Therefore they had sought to avoid it and had avoided it. The Confederate States had copied their work of avoidance. The militia of a State! What was it? It was a body of citizens in each State, organized under act of Congress, which act allowed the State to appoint the officers and train the force, under the discipline prescribed by Congress. Congress could call out the militia for certain purposes, prescribed by the letter of the Constitution, and for no other purposes. These purposes were, local defense, involving protection from invasion, and the support of the civil authority in maintaining peace and enforcing the laws. On the other hand, Congress had the right to raise "armies," and Congress had the right to employ "armies," in other ways than the limitations ordained for the employment of the militia. If, in the exercise of its lawful powers, Congress should absorb in its armies the whole arms-bearing population of a State, leaving none to create a militia, that exercise of authority would be entirely consistent with the powers delegated to the Confederacy by the States; for, whatever laws Congress passed, "in pursuance" of the

Constitution, became the "supreme law of the land," "anything in the Constitution or laws of any State to the contrary notwithstanding." He said the exemption law, whereby a white overseer was allowed to every twenty slaves, was not really an exemption from service granted to overseers, but a security that the Confederacy should receive the benefit of the labor of the slaves in supporting the army. The President knew, and Congress knew, that to enlist every able-bodied man in the ranks of the army in the field, would result disastrously. The exemption law was, in fact, an inseparable part of the conscript law, and was mis-named. The law did not, in practice, exempt any overseer of slaves, of military age; it merely directed in what way his services should be rendered. The great mass of the white farmers could be sent to the army, while a comparatively few were left behind to direct the negroes' labor, the fruits of which would feed the army and all the people at home. Slaves should be organized and controlled, and thus constitute the peculiar strength of the war in the Southern cause. Slaves were not a military weakness, but a great military strength, under proper application of their labor.\*

The speech of Mr. Yancey was published and circulated throughout the Confederacy. Its temperate tone and logical defense of the constitutionality of the law, whose enactment he did not approve, on grounds of public policy, quieted the public mind. Speaking of the duty of the citizen to the government, he said: "I have yielded my judgment as to the policy of this law, and most cheerfully submit to its operation. There can be unity of opinion upon few things in this world, and these, generally, of the least importance. The means adopted by your public agents charged with providing for your defense and safety may not always be the best, but unity in an energetic support of those means is most certainly wise, even when we think better could have been adopted, so long as the law remains unrepealed. If, upon a fair trial and due reflection, you do not deem your laws the best that could have been made, change your representatives

\* The Legislature provided by law a measure of support for families of non-slaveholders, and Judge William M. Brooks was appointed Chairman of the Relief Committee. The State distributed large quantities of corn under this act. The better to secure its operation, Thomas H. Watts, then Attorney General of the Confederacy, was elected Governor, against his wishes, as the text has already cited.

and enact new laws; but review the conduct of your public agents as friends, not as enemies." \* \*

"Yet some venture to look to the Northern Democracy to make peace! Surely they must be few — the timid, wavering, selfish few. There is, in my opinion, as much hope from the Northern Abolitionists as from the Northern Democracy. If Lincoln were to withdraw his proclamation of emancipation to-morrow and announce his purpose to uphold slavery in the States, the Northern Democracy would continue to rally around his standard of war to enforce the restoration of the Union, while the Abolitionists would, in my opinion, offer terms of peace. What are the terms of peace proposed by Mr. Van Buren and Mr. Bigler? They are these: Proclaim an armistice, if the South will agree during the armistice to elect members of both Houses of Congress, who shall go to Washington, take the oath to support the Constitution of the United States, take their seats in Congress and pass propositions to amend the Constitution. You will necessarily have abolished the government of the Confederate States and have gone back into the old Union, without a single guaranty, save the promises of the Democrats of the North, who control only one of the three branches of the government, and that by a bare majority. These proposed amendments, remember, must be passed by two-thirds of the Democratic branch and accepted by three-fourths of the States. Oh, what a name in history would ours be, if such an event should happen by our consent! What a position of helpless degradation would ours be, in that government of Abolitionists! What a crushing of the spirit and hopes of this people! \* \*

"Upon the divisions of the enemy, let us build our own unity — upon their fierce party strife and jealousies. Upon their clashings of party interests, let us bind together our patriotic energies. Upon their selfishness and folly, let us base a prayer to God that He would enable us to exhibit in behalf of our beloved country, a self-sacrificing wisdom, both in opinion and action, in all matters appertaining to our defense.

"With unity, wisdom, faith in each other, and faith in each Department of our government, we shall be prepared to undergo more of trial and misfortune and to wrest the final

victory of our independence from a wearied and bankrupt foe; and no matter what of privation or of sufferings fate may have in store for us, there is but one duty for a free and brave people which no circumstances ever can alter: It is to—

“ Strike till the last armed foe expires —  
Strike for your altars and your fires,  
Strike for the green graves of your sires,  
God and your native land.”

In order to present the views of Mr. Yancey, connectedly, on the conscript laws of Congress, his speech at Montgomery, referring to both, has been considered, leaving behind his course in Congress. The chronological order of his public services is now resumed. Yancey, Louis T. Wigfall, Benjamin H. Hill and Henry S. Foote were debaters of the first rank, in the Senate. Hill was the favorite champion of the Executive, ready at all times and equal to all emergencies. His nature was well adapted to the part he was expected to act. With an instinctive veneration for power, he was bold enough to shrink from no demand upon him which partisanship defense of power could exact. In Georgia, Toombs, Stephens, Cobb and Brown were his bitter opponents. He had, therefore, much to gain at home, if put in control of the federal patronage. None of the other three debaters could be counted on as defenders of the Administration; and Senator Hill became all the more dear to the President in the severity of his self-assumed tasks against such opposition. Wigfall was a remarkable man. His early life had been shadowed by a great misfortune. In the maturity of his powers he became intemperate in habit. A handsome and commanding presence marked him in every assembly. Few members could match him in colloquy. He was original, prompt, aggressive and possessed of a most poignant wit. He failed, where all the others of the coterie excelled — he was indolent, or at least he was wanting in industry. Foote had a wide experience in office and was a lawyer in the front rank. He was pugnacious, everywhere, always ready to measure his strength with any foe on any field. It should be remembered that, in the Confederate States Congress, sat Senators and Representatives from Missouri, Kentucky and Tennessee, as well as the territory of West Virginia, while the same States had a full



representation in both Houses of the Congress sitting at Washington. It cannot be claimed that the influence of the disputed territory was healthful to the purpose of either belligerent, as it appeared, on the floors of its Congress.

Before, however, resuming the narrative of Yancey's career in the Senate, a correspondence conducted with his old friend, William F. Samford, by him is important to be considered. After the fall of Roanoke Island and the fortified positions in Tennessee; after the falling back of Beauregard, from Corinth, and the sudden and unexplained transfer of the command of his army to Bragg, followed by extraordinary assumptions of authority by that officer; after the people had discovered the incompetency of Mr. Meminger, and the resignation of General Randolph, from the War Office, had taken place; after New Orleans had fallen, by reason of the failure of the Secretary of the Navy to provide for its defense by ships, and by reason of bad management there, in other quarters; when it was seen that the country was full of cotton while arms could not be had to supply its volunteers, a general and deep complaint sprang up everywhere. Two parties were formed, arising from the discussion of the astounding want of appreciation in the government; from a discussion of the magnitude of the crisis and the glaring want of preparation to meet it.

General Johnston was withdrawing his army from Centreville. The defense of Richmond seemed so doubtful that the family of the President had already made arrangements to remove, and the authorities were believed to be packing the government archives for hasty shipment to the interior. No popular elections were pending. One party to the discussion declared the resignation of the President and the retirement of all his Cabinet, should be demanded by the spontaneous voice of the people; the other party, with equal firmness, declared the Congress should retire and resign and Mr. Davis should become Dictator. Yancey, at Richmond, received a letter from Samford, editing a newspaper in the eastern part of Alabama, where he had easy access to the capital of the State and other political centres. Samford wrote that public opinion was in a perilous state. He had watched the leading newspapers and some of them openly called for a Dictator. Almost every day, he said, he read Yancey's name proposed

for the office. He was not surprised to see it associated with such "exorbitant mischief," for, "in the last two years I have heard all other evil things of you, which I knew to be false, and I could see no reason why the Devil, in this exceptional instance, and in his peculiar work of slander, should abandon an unfinished job. You will remember that on our way home from Baltimore, in 1860, how I doubted, and you apologized for and defended, Mr. Davis. I pray daily and do not despair that events may vindicate your superior judgment of him." Yancey did not reply to this letter until he returned home, in the summer. Then he wrote, under seal: "I urge the united effort of the people to prosecute the war on a scale more enlarged and *aggressively defensive* than has heretofore characterized it. I am opposed to any movement which will derogate from the respect due to the authorities appointed by the people. My estimate of the character of Mr. Davis is on record. Perhaps, however, it would be as well for me to say, that, in my opinion, he is as conscientious in discharge of the high duties of his office as the most exacting can require. There is, probably, no man in the Confederacy who would give so little attention to any scheme to make him Dictator as he himself. As to Congress, should the records of this branch of the government be given to the world, they would show that it has not failed to meet the crisis with all the energy consistent with the fundamental character of its organization. I, therefore, deeply regret that the confidence of the people should be in the least abated in either of the two existing Departments of the government. \* \* I have seen a proposition, gravely suggested, by Mr. George F. Salle, to divest Congress of all authority and to confer on Mr. Davis the office of Dictator. I have heard from various sources of a more generally considered scheme to depose Mr. Davis and choose another leader. Nothing could be more unwise and nothing could more completely demonstrate our unfitness for self-government than any attempt to carry either of these mad projects into effect. It would prove immediately destructive of our cause to adopt either. Rent by internal factions, we would fall an easy prey to the invader. Both of these propositions are but the outcropping of a feeling of dissatisfaction at the progress of events since the fall of Fort Donelson. It

does not emanate, as some suppose, from disloyalty, but rather is it the outbreak of an alarmed, anxious and highly excited patriotism. The men who participate in it will give the last dollar they possess and readily spill their blood to sustain the good cause. They are dissatisfied that so many misfortunes have befallen our armies, that so much territory has been lost, that so much secrecy attends the causes of our disasters, and they know not where and upon whom to fix the responsibility for these reverses. This is the secret of public discontent, in my opinion. \* \* But, my dear sir, a better day is dawning. People will cease to complain with the success of our arms. The battle of Shiloh was the dawn of that better day. Stonewall Jackson displayed Napoleonic genius and power in the Valley campaign. The reconnoissance of Stuart was one of the most brilliant feats of modern warfare. The battle of Williamsburg and the battles on the Chickahominy indicate the terrible conflict to take place around Richmond. \* \* All will be well. Aye, I will say it, for I believe it, all's well now, and a few months more of the long pull, the strong pull and the pull all together will develop the glorious fact." After holding this letter as private for a month, Mr. Samford gave it to the public.

Senator Clark, from Missouri, had corresponded with the Secretary of War on the violations of the rules of civilized warfare by the United States troops. The Secretary intimated that war must be considered as waged between governments and that the people in their individual or private capacity were not parties to it. Thus, when Congress met, late in August, 1862, Mr. Yancey introduced resolutions in the Senate contradicting the Secretary's views. He said the character of the Confederate government depended on the individuality of the people. While war between European sovereigns might be termed a war of governments, in a moral sense, this was a war of the people and the people are sovereigns. The government was not their master, but their agent only. Confiscation, on unprecedented scale, imprisonment and death, to an extent hitherto unknown, would follow the failure of this war of the people. It was a war waged against the people, rather than against a government, to conquer them and to divest them of the attribute of sovereignty. The government of the

Confederate States had never been acknowledged by the other belligerent. In his opinion, a citizen of the Confederate States had as much right to take up his rifle and make war upon the invader of his country as a sovereign prince, in Europe, had to buckle on his armor to meet the invader of his principality. It was the duty of the Confederate government to announce this right of its citizens and to declare its intention to protect them in its exercise. While the government of the Confederacy hesitated to pledge its defense to its own citizens, who might slay the enemy invading their homes, the government of the enemy did nothing to prevent soldiers from its armies leaving the ranks to go into Confederate private families, committing theft, arson and insults worse than death. "It may bring the enemy (he said) to be content with the practices of civilized war. But, if in his blind rage and maddened fury at being foiled by an inferior, though braver and more skillful army than his own, he shall choose to retaliate for a just retaliation — if he has nerve enough to tread that terrible and bloody path, and to brave the maledictions of the civilized world, he may be assured — should be assured — by this Congress, that having counted the cost of this great movement for self-government, we shall not turn back, nor be deterred by any terrors from prosecuting it to a successful, though it may be a most bloody conclusion." The speaker reminded the Senate that the greatest Captain of history, Napoleon, invading Spain with a grand and successful army, was driven out, not by serried ranks of assailants, but by the Spanish people, concealed on his line of march and firing upon his troops from mountain fastnesses; that General Marion seldom had more than twenty to seventy men, yet he had wrung from Lord Cornwallis the expression of greatest admiration of his skill and deepest apprehension from his ceaseless and silent attacks, and Marion, with his few men, had made South Carolina impossible of occupation by the British. Butler's infamous order, at New Orleans, was only equalled by the record of the invasion of Virginia, where, "in numerous instances, daughters have been foully dishonored in the presence of their aged parents, by commissioned officers of the United States army, and, more than once, the broken-hearted father has been shot to death on his own hearthstone for his brave attempt to save

the honor of his family. Sir, it is time this government should no longer repress the yearning of our people to take up arms to defend their homes, in such manner as may be consistent with their right to maintain their families in the ordinary pursuits of life."

The same day Mr. Yancey gave notice of his intention to offer an amendment to the rules, which might be expected to check the habit of the Senate to sit in secret session. He would not abolish the secret session, but there were not many questions which should be considered with closed doors by an elective body. Military plans were not devised by Congress nor campaigns planned by it. The results of deliberations were published, but the votes of individual Senators, and the reasons for their votes, were concealed. Plans that the people knew to be wise and expected would be enacted into law failed of adoption, and the exposure of the failure, whether by negligence of Congress or the veto of the Executive, was not made. It was a mistake to anticipate a demoralization of the public mind from public discussion. No people were ever so united as the people of the Confederacy, even if individual examples of discontent were known. The Confederacy was far more united than the United States; or than the people of the colonies with Washington in the lead. "I further say (continued the speaker), with the fullest sense of its entire truth, and in no carping spirit, of course, toward any Department of the government, that the great public sentiment of our people to-day is of a higher cast of revolutionary energy, wisdom and devotion than that of their government. And the only fear Senators need entertain of the effect of giving publicity to their proceedings is, that there will be a stern demand that they eschew all reliance for success other than upon their constituency, and that they shall call more freely for men and means to carry this war into the enemy's country. \* \* In the Convention which framed the Constitution, Colonel Mason, of Virginia, said: 'The people will not give their confidence to a secret journal—to the intrigues and factions naturally incident to secrecy.' If any one doubts the existence of such a state of things in Congress, let him refer to its journals of 1778, 1779, 1780." Mr. Yancey then explained that the theory of the government must necessarily

be perverted and the country thrown into a chaotic condition when the people were required to elect officers of the government in total ignorance of the individual responsibility of those officers for acts performed or omitted.

Senator Dortch, from North Carolina, offered an amendment to the conscription law, providing for the enrollment in army of Justices of the Peace. Mr. Hill said, under the war-making power, Congress could even enroll the Chief Justice and every member of Congress. Mr. Yancey said the Senators had fallen upon Mr. Lincoln's excuse for all his usurpations — the "National life" demanded the act. Referring to General Bragg's course, he said the Confederacy had one General who had abrogated the municipal government of a city and set up one of his own (at Mobile); had suppressed the press and established martial law over whole States. He thought the proper way to develop the war spirit among the people was to preserve their pride of citizenship. He had no fears of the people, so long as they loved liberty. The exemption law specifically named the judicial officers, and other civil officers of the States, as not liable to conscription, but this special designation he had regarded as only the confession, by Congress, of its want of authority. Congress had no authority to destroy the State governments by enrolling their officers in the army, nor the Confederate government either. Mr. Simms, from Kentucky, and Mr. Phelan, from Mississippi, spoke briefly in defense of Mr. Hill's suggestion, that Congress could exhaust the population to save the "National life." Mr. Yancey said in reply :

"Sir, we have no 'National life.' The province of this government, its sole province, is to defend Constitutional government — the Constitutional liberties of States and of the people of States. There is no National life to defend.  
\* \* When a people have lost faith in the power of free government to defend their liberties, and have lost that high courage and tried virtue which can wrestle with danger and meet disasters with fortitude; when, in cowardly search of ease, they discard the onerous and trying duties of self-government and throw themselves and their all into the arms of a vigorous despotism of their own choosing, in nine cases out of ten that people are lost, forever lost. The recuperative

energy and virtue which would be required to throw off the shackles, which they had thus placed upon their own limbs, would be wanting, and they would undergo ages of suffering before a new race of men would be born equal to a task of such magnitude. No, sir. Far better, if the people are to be governed by despotism, if free, Constitutional government is to be overthrown, that it be by the hands of an open enemy. Virtues flourish in trials. The virtues of courage, patriotism, of love of liberty, are not uprooted by the triumph of an enemy or by defeat at the hands of a foe. The world's history is full of the noble truth, the stern, bloody, practical truth which poetry has almost consecrated by reason of the amber of sweet numbers:

" Freedom's battle once begun,  
Bequeathed by bleeding sire to son,  
Though baffled oft, is ever won."

"There is hope for a people who are crushed by superior power in their brave struggle for the right. There is no hope for a people so destitute of courage and virtue, and wisdom, as to flee to a despotism of their own to render their conflict with an invader the easier. I, therefore, repudiate all thought that we can safely abandon any of the safeguards of our liberties in order to contend successfully with our invaders."

Mr. Yancey sustained his argument by an analytical enquiry into the Constitution, citing its provisions to show the interdependence of the parts of the government; how, if the Chief Justice be enrolled in the army, the right to impeach the Chief Executive by the Representatives of the people would fail, for want of a presiding officer over the high court of impeachment; how the guaranty of a Republican form of government to each State would become impracticable, if the officers of the State be enrolled to "save the National life," and various other examples of the inconsistency of Mr. Dortch's bill with the only recognized form of government in the land. He feared such unwarranted assumptions of power "more than a million Yankee bayonets."

"I have ever been of the opinion (he said) that it was unwise ever to have permitted the war to have its seat and progress in the midst of our institutions; and that, while this government should assail the liberty and existence of no other



people, we should defend our own, when assailed, on the very hearthstones of our assailants. I have, in my amendment, not only authorized the President to call for troops, but I have made it his 'duty' to do so."

The Richmond newspapers received the speech with the greatest favor. "We are glad (said the *Whig*) that Mr. Yancey has directed popular reprobation to some very pernicious ideas. His speech deserves to be read throughout the Confederacy."

Appreciation of the remarkable commercial possibilities of the Confederacy and the extraordinary confidence in the financial honor of its government, found in European monetary centers, bring clearly into view the wisdom of the recommendation, offered at its organization, that a treaty discrimination in favor of the great commercial powers of Europe, should be at once urged. The following proceedings sustain the position :

The Senate Finance Committee reported a bill to endorse a contract, the terms of which had been agreed on between the Secretary of the Treasury and Emile Erlanger & Co., of Paris. The Secretary had agreed to take £3,000,000 sterling, at seventy cents on the dollar, of Confederate twenty-year bonds, interest payable semi-annually, in gold, in Europe, at seven per cent.; and the bonds to be redeemed, one-fortieth part semi-annually, in cotton at six pence on New Orleans classification; the cotton to be stored by the Confederate government at New Orleans, Mobile, Savannah and Charleston, subject to no charges, except one-eighth of one per cent. export duty. Mr. Yancey objected to the resolution to commit the Senate to this contract for various reasons. First, it was desirable that transactions of that character should be conducted by the Executive Department without the special interference of Congress. The Executive should assume the responsibility in such matters and be free to act according to its own judgment. But, if the Senate intended to discuss the contract, his chief objection to it was in the small amount of the loan called for. He would have the President authorized to negotiate for £50,000,000 sterling, instead of £3,000,000 sterling, as the bill called for, on terms acceptable to himself. He objected to pledging cotton, at six pence, which had cost the

government one and a half cents in excess of that price. He objected to the obligation of the government to deliver a considerable amount of cotton, immediately after peace, at a number of sea ports, because the ordinary commerce of the people, at that time, would occupy all the transportation which could possibly be controlled by the railroads. The motion to increase the loan more than sixteen fold and the motion not to pledge the cotton at six pence, failed. The Secretary advertised for £3,000,000 sterling. At the earliest practicable day bids aggregating £15,000,000 sterling were received by the Confederate agents at London and Paris, and, at London, five per cent. premium was offered on at least one bid.\* The average price of American cotton, at Liverpool, of the crop of 1859-60, was only 5.97 pence (Latham, Alexander & Co.'s statement). It is seen that the aggregate European bids, on the call of the governments for \$15,000,000, was \$75,000,000, or nearly one-half of the total value of the cotton produced in the South, of the crop of 1859-60, not estimating the premium actually offered. It is not a little singular, that the time fixed for the extinction of the bonds, given as security for the loan, payable in cotton, was twenty years, or the exact time fixed by the Chairman of the Committee on Foreign relations for the duration of the proposed commercial treaty, offensive and defensive, with European powers, at the birth of the government. There must have been little room for doubt, that the Confederate States could have sold 2,000,000 bales of cotton, annually, on terms as favorable as the terms offered in the bids for the £3,000,000 loan. At that time, five-sixths of the cotton consumed by British manufacturers was American growth. These transactions took place after the fall of New Orleans, and when the issue of the war was of more promise to the United States than to the Confederate States.

Richard Taylor, Hampton, Rodes, Gordon, Law, Toombs, of the Army of Northern Virginia, Forrest, Breckinridge, John H. Morgan, Cheatham, Cleburne, Price, McIntosh, McCullough, and scores of other civilians of all Confederate armies, who had not received an education at West Point, had already displayed the highest soldierly qualities in command

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\* Yancey's MS. memoranda.

of Regiments, Brigades and Divisions. Alfred Rhett, the defender of Fort Sumter, knew the art of war only as he had acquired it in the prevailing war. Knowing the phenomenal aptitude of the Southern people for war, and well convinced of their devotion to their cause, Mr. Yancey devoted his tireless energy to their encouragement. Speaking to the Alabama Legislature, he had said: "I have regarded the manner and the circumstances under which I was elected to the Senate, as the public judgment of my State, pointing me to that post of duty." Never an applicant for favors for himself, he had no art in seeking them for others. When he came into the Senate, therefore, with "a bill to regulate the nomination and appointment of Brigadier-Generals, so as to apportion them among the several States according to the number of troops furnished by each," he believed he was bringing needful aid to the invasive, aggressive theory of war, which he had so often recommended. The President regarded the bill as making an issue with that endorsement, which he had written across the letter returned to the Alabama Senators. He was deeply offended. The Senate referred the bill to the Judiciary Committee, of which Senator Hill was chairman. A report in due time followed from Mr. Hill, reaffirming the exclusive right to nominate and appoint Brigadier-Generals in the Executive and the exclusive right of the Senate to confirm, or reject. Mr. Yancey had discovered that of the five members of the committee, ostensibly making the adverse report on his bill, only three had ever considered it, and, of the three, one was outspoken in its favor. On September 22, 1862, the report came up for consideration. Rising to resist the report, he said that the failure of the President to regard the rule laid down in the bill, had an injurious effect upon the army and the people. Officers must be chosen by the claims of their States or they must be chosen by the claims of a class. The report declared his bill unconstitutional. This charge was surely untenable. The cadets from West Point were regularly assigned to positions in the United States army. They were assigned, not by the pleasure of the President, but by the law of Congress. The law went so far as to require the President to commission just so many, and no more, from each State. When the conscript act was passed, a provision

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required the President to fill vacancies of regimental officers, with the advice and consent of the Senate, but the President could not go out and find the officers he might fancy. He must take them from the material within the Regiment where the vacancies existed. Here Senator Semmes, from Louisiana, interrupted to say that, the Congress, at its last session, had created the office of Admiral, and the President was "instructed" to fill it "from the grade immediately below." The creation and organization of an army, the designation of grade and rank in officers, and the rules and regulations of discipline were by authority of law. The Senator from Georgia and the Senator, Mr. Orr, from South Carolina, asked to know why the appointment of Brigadier-Generals should not be confined to counties, towns or particular families. He was disposed to respect the right of the Senate and would, therefore, reply that, the question before it was a proposition to establish citizenship of a State as a qualification precedent to the assumption of command of a Brigade of troops, from that State. It would be useless to argue that counties and towns had corresponding claims. A Georgia lawyer, like a Philadelphia lawyer, as he was informed, held nothing in reverence, not even the cross, which interfered with his cheap ridicule. The gist of the argument was that, the bill was not unconstitutional, as the committee had reported. Continuing to speak against the report, Mr. Yancey said :

"From the first hostile movement by Alabama troops upon Pensacola, to the late great battle of Sharpsburg, no battle has been joined, on this side of the Mississippi, that Alabamians, both as privates and regimental commanders, have failed to demonstrate that they possess in a high degree the military spirit, genius and the greatest endurance. In the first great flash of arms, upon the field of Manassas, the gallant Fourth Alabama, by the enemy's report, broke four regiments of the foe in four successive charges upon it. In one of the recent and most important engagements before Richmond, though having a less number in the action than, at least, two other States, the killed and wounded from Alabama Regiments far outnumbered those from any other State. In the name of her heroic dead — her Lomax, her Bullock, her Moore, her Jones, her Woodward, her Baine — in the name of

her gallant and neglected living, I denounce the bare thought that she is unable to furnish Brigadier-Generals, to be slander and an outrage on her character.”\*

Among the adherents to the Administration in its trials, as a supporter of Mr. Hill, was the Senator, Mr. Simms, from Kentucky. Mr. Simms had spoken thirty minutes in favor of Hill's report; Mr. Yancey was in his seat and heard the remarks, which he considered proper and decorous. Three weeks later Senator Simms published, in a Richmond newspaper, an elaborate argument alleged to have been delivered by him on that occasion from his place in the Senate. The published speech was bitter in denunciation of Yancey's course toward the Administration, warning him that “it is not wise to beard the lion in his den.” Yancey rose to make an explanation the day the publication of Mr. Simms' speech appeared. He said: “I submit to every Senator present, did the Senator make any such allusion or intimate any such sneer in this Senate? I pause in order that should any Senator have heard it he may rise in his place and say so. \* \* Perhaps the Senator may not be able to appreciate the relation which exists between the President and myself. I will state it. On my part, there is admiration for his personal worth and for his many high qualifications for public life. There is a frank and manly difference with him, on some public questions. Occupying this relation to the President, I am able, with sincere pleasure, to praise him when he is right, to screen him from unjust imputations and to condemn his policy when public considerations, in my judgment, demand it. \* \* The Senator's remarks on this subject, in his published speech, are unworthy of his official station as a member of this body; his insinuation that I fear the President, is worthy of every honorable man's contempt.”

A committee of the Senate reported that the reporter of the Richmond *Enquirer* had violated the privileges granted to him by the Senate, advising that he be excluded from the bar thereafter. Mr. Yancey and Mr. Clark voted to lay the committee report on the table. Mr. Yancey said the Senate should remember it was accuser, witness and judge, in the case, and

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\* Alabama had six Brigadier-Generals; Virginia twenty-four; Tennessee eleven. Kentucky, with only eight Regiments in the field at that time, had eight Brigadiers. South Carolina had eleven, Louisiana ten, Maryland six.

should be tardy to exercise its authority. The complaint was, that the reporter had expressed an opinion about what he saw. That was true, but the opinion was marked in brackets and signed "Reporter." The Senate could not afford to complain of a newspaper's opinions, and there was no question of the correctness of the report, nor was there any interpolation of the reporter's criticism in it. He thought the Senate should be careful not to infringe upon the liberty of the press. The committee report of censure of the reporter was sustained by a large majority.

The military Committee reported a bill to give \$5,000,000 to indigent families of private soldiers. Mr. Yancey said this was clearly a bounty. It was discrimination in favor of a class and in violation of an express provision of the Constitution. He would cheerfully vote to increase, largely, the pay of soldiers, but Congress should act within its rights. He had not examined the point, as he would like to do, but he was inclined to believe no pensions could be granted under the Constitution. Therefore, there was additional reason to increase the pay. The currency was already enormously depreciated and the soldiers should receive more of it.

The appearance of John Archibald Campbell in the Administration of the Confederate government must be allowed an occurrence of the utmost significance. Except Secretary Benjamin, he was by far the most astute intellect possessing the confidence of the President—"a man all head and no heart: frigid, taciturn and repellant." Mr. Campbell was at the head of the bar of Alabama, when called by President Pierce to the Supreme Court of the United States. He had been, for a single term, a member of the Alabama Legislature. He had earnestly supported President Jackson, in his quarrel with South Carolina, but, in 1850, he pronounced in favor of State Rights. Soon after his elevation to the federal Court, he emancipated his slaves, but years before he had published an appeal to the slave States to remove the legal prohibition to the education of the blacks, to abolish sales of slaves, under legal or judicial process, and to take other advance humanitarian measures in the interest of the degraded race. Justice Campbell had protested earnestly against the Southern movement. To his former law partner at Mobile, Daniel Chandler,

he wrote, on November 26, 1860, that the slave States would not be justified in surrendering the benefits of the Union, because society in the free States existed in a condition of violent hostility to their domestic institutions, so hostile, indeed, that even a kind word of a slaveholder was generally met with reproof. The South should consider that all classes composing a civilized community continually tend toward the same standard of intelligence, and submit, ultimately, to the same rule of opinion. The South could gain nothing by a reorganization of its federal Union; slavery had been put upon the highest ground, to which law could elevate it, by the Constitution and the Dred Scott decree; Lincoln's election was not cause for revolt, and secession should not be thought of by a wise people. After the publication of this letter the author became so obnoxious to his friends, in Alabama, that few would recognize him even on the streets.

Four months after the Senators and Representatives, of Alabama, and most of the cotton States, had retired from the Congress of the United States, Justice Campbell resigned, with great reluctance, and returned to Alabama. The outlook for the continued authority of the Supreme Court, as a Constitutionally acknowledged branch of the government of the United States, on May 1, when he resigned, was, at least, exceedingly doubtful. War had been declared, an army had been called for and hostilities had begun, but Chief Justice Taney and Justice Campbell, in private consultation, had agreed that the government could not constitutionally undertake to restore the Union by force. Merryman, a citizen of Maryland, against whom no defined legal offence was charged, was arrested by the military; Chief Justice Taney had issued the writ of Habeas Corpus in his case, and the President, Mr. Lincoln, among his early acts of war, had ordered it denied by the military. The blockade proclamation, against the ports then claimed by the Union; the threat already made to enact a statute annulling the Dred Scott decree, were among other evidences, convincing to the quick perceptions of Justice Campbell, that the usurpations of the Executive and Legislative branches of the government would endanger or practically suppress the Judicial branch, of which he was a devoted member. Revolutionary conditions were far less rife in the



Confederate States than in the United States. His intentions were to avoid the strife; his anticipations were, an ultimate restoration of the Union; his private property was situated at Mobile. To Alabama he returned, making no concealment of his reluctance nor pretending to any change of his opinion, often expressed, that slavery should be sacrificed and the Union preserved. The income from his property assisted him to support his family, and, for eighteen months after his arrival in the Confederacy, while repeatedly refusing to enter the President's Cabinet and withholding all practical encouragement of the Confederate cause, he devoted much time to alleviating private distress, incident to the progress of the war, especially in the assistance of hospitals for the wounded soldiers. Meantime, his former friends, knowing he had recanted in nothing nor renounced his theories which held to the ultimate failure of the Confederacy, lived aloof from him. They charged, "Judge Campbell has done more to induce Mr. Lincoln to undertake the subjugation of the South than any one man in the whole country, by carrying letters received by him, from Union men of the South, about with him, showing them to leaders of the war party at Washington, which declare the people were tricked into secession and were only awaiting an opportunity to go back into the old government." The *Albany Journal*, edited by Thurlow Weed, commenting on the unexpected resignation of Justice Campbell and his return to the South, said: "If he has been acting, in Washington, with the leading enemies of the Union, he has been misunderstood. \* \* That Judge Campbell reported to the Confederate President half that he said, or intimated, in his interview with Secretary Seward, is more than doubtful."

The relative equality of the two Republics which had appeared at the initial of the war had been steadily overcome by the more vigorous conduct of the government of the United States, and the persistent inappreciation of the government of the Confederate States, when, late in October, 1862, Judge Campbell consented to accept the post of Assistant Secretary of War. The neutrality of England, so readily pledged at the outset of the conflict, had been changed to a manifested sympathy with the United States; the Confederate

finances were in hopeless decay; the conscript and impressment laws were hurrying into the army men and resources destined to be consumed in great battles, fought without a plan of war; New Orleans and Galveston, nearly all the Atlantic coast, all the Western rivers and more than half of the territory of the Confederacy were possessed by the enemy. Secretary of War Randolph invited Judge Campbell into the Department, with an apology for the act whose significance was ominous. Randolph, in despair, soon resigned. But Campbell had not accepted a lower post, while refusing for more than a year urgent solicitations to fill a more exalted one, for the purpose of bolstering up a cause he had never espoused. His object was to ease down the falling fortunes of the Confederacy, to the end that humanity might be measurably relieved of the errors of the Confederate leaders, and the Southern people be restored, with the least measure of affliction, to that older government which he had never ceased to trust and venerate. Spurning the cause he served, ostensibly, holding in disdainful contempt the talents of its Chief Executive, his position at once inducted him into an influence which must appear as one of the most anomalous of examples which illustrate the tragical disappointments of the Confederacy. The administration of the War Office, from which General Randolph had retired, because he was not permitted to infuse vigor and coherence into its operation, and to which Judge Campbell adhered, because of his desire to be on hand to palliate the public affliction which its fast approaching extinction carried in its train of circumstances, became, with Randolph's retirement in disgust, and Campbell's adherence with a purpose, the refinement of misconduct, equivalent in effect to an ingenious discouragement of the war. A true policy of war, from the Confederate side, being reduced to the saving of armies which embraced well nigh all its material for war, it so happened that with the opening of the first campaign, after these changes in the personnel of the War Office had taken effect, that great disasters in the field began, traceable to the interference of the War Office with great commanders in the field; and, in something over a twelve month of the duration of this interference, three great Confederate armies were practically removed from service, leaving

the field to the enemy. (1.) Johnston, attempting, in the summer of 1863, to save his army of forty thousand superb troops in Mississippi, as Washington had saved his army after its defeat on Long Island, was countermanded from the War Office, and, as General Lincoln had lost his army at Charleston, General Pemberton was empowered to lose the garrisons of Vicksburg and Port Hudson and tens of thousands of brave lives in useless battle, by the interference of the civil authority. (2.) In May, 1864, General Richard Taylor, having, by skillful retreat, drawn General Banks and a fleet of gun boats into favorable position, attacked Banks, at Mansfield, drove him from the field in full retreat, and, continuing the pursuit — the only example of Confederate pursuit after a great victory — would inevitably have captured the invading army and the gunboats supporting it, when he was instantly superseded by order of the War Office, the pursuit checked and the imminent military success, which must have restored New Orleans and the entire lower valley of the Mississippi and the western rivers to the Confederacy, was changed into useless sacrifice and the retirement of the trans-Mississippi forces from active service for the remainder of the war. (3.) In July, 1864, Johnston was removed from command, against earnest protests of his army, rank and file, and the people, with absolute unanimity—at a time when discontent throughout the Northwest seemed only waiting on Sherman's fate to ripen into revolt against the government at Washington—the result being the speedy annihilation of his army, under command of another, following the interference of the civil government.

Against each of these three citations of destructiveness, issuing from the civil authorities, stand the generalship and valor of Confederate armies upon the page of history; the one marking the source of the catastrophe in which the Confederate cause finally dissolved; the other vindicating the reasonableness of its inception.\*

When Mr. Yancey insisted that the power to nominate Brigadier-Generals should be restrained by law, so as to

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\* For facts as to Judge Campbell, I rely upon letters of General Thomas J. Butler and Henry G. Humphries, leading citizens of Mobile; memoranda of Yancey, for use in secret session of the Senate; Taylor's autobiography; Campbell's letter to Curtis, in *Century Magazine*, October, 1889.

require the President to select them from the States supplying the troops to be brigaded, he knew of the vindictive influence which the Assistant Secretary of War would exert against Alabama Colonels, whose political antecedents were offensive to that official. The nomination of Campbell to a position so determinate of the character of the war, in view of his surpassing ability and activity, excited a profound feeling of chagrin in Congress and in the country. Protests were sent by telegraph and by mail to the Alabama Senators against confirmation by the Senate. "If the Senate has not lost all self-respect, Judge Campbell's utterances are sufficient to kill him. His assignment by the President has met the most general condemnation, but it was believed to be only temporary. Mr. Forsyth and Governor Winston and other prominent men have expressed great surprise to hear his name is to come before the Senate for confirmation. There was talk on the streets of a public meeting to protest, but it was believed that the letters I send you would surely suffice. I assure you that such is the feeling against him, in all this region of country, that his confirmation would be regarded as a public calamity." So wrote Henry G. Humphries, one of the largest merchants of Mobile, to Yancey. "Why place a man in position by which he may defeat the end we had in view when we brought about this great revolution? The eleventh hour men and the Yankees seem to prevail in our affairs," wrote General Thomas J. Butler to Yancey. Hill espoused the nomination; Yancey resisted; the President grew angry.

The Senate took up a bill, January 26, 1863, authorizing the President to turn over to the several States, to be punished under their criminal laws, any officer of the United States captured in any way who might have violated the laws of the State. This bill had special reference to the inciting of servile insurrection and the enforcement of the Emancipation Proclamation of Mr. Lincoln. Mr. Yancey opposed the measure. He would sustain the principle of retaliation, and had introduced a bill, months before, to that effect. He could not admit that municipal law, the law of a State, could be construed to check or interfere with right of the government of the United States to prosecute war. If a soldier of the enemy was amenable to a single State law, he must be amenable to all

the laws of every State. It would be absurd to hold a captive officer of the United States amenable to the State laws against burglary, or arson. Where would the Senate draw the line? Where would the principle proposed to be applied commence? He would not admit that one law was more sacred than another. "The offense is against the Confederate government (he said), and it is alone the duty of this government to take it in hand and resent it by proper retaliatory measures, and not shift the responsibility on to the shoulders of individual States, by whose municipal laws these offenders, acting under command of their government, may escape punishment." He would have no quarter shown in battle to such offenders.

In the House, on the same day, Mr. Crockett, from Kentucky, said he had information of the most reliable character that a plan was on foot to establish a Central Confederacy of States, bordering the two Republics. He would soon bring out some startling facts. Mr. Foote, from Tennessee, (then a member of the House) said he had been denounced by Legislatures and newspapers because he proposed to offer terms of amity to the Northwestern States. This he would say: "From New England he wanted to be eternally cut off; but, if Illinois or Indiana would withdraw their troops from the South and unite their fortunes with the Confederacy, he would favor sending an army there to protect the people against the Lincoln government." Mr. Perkins, from Louisiana, said he had been informed that a soldier from his State, charged with desertion, had been sentenced to receive thirty-nine lashes, quarterly, during the continuance of the war, to be branded with the letter D in the left hand and to be confined at hard labor for the war. If a law existed justifying such barbarity, he would move its immediate repeal.

The Senate had a bill under consideration to regulate the impressment of private property, slaves included, by officers of the army. Mr. Yancey said he objected to the bill, and the amendment, of Mr. Wigfall, because the authority granted was not sufficiently defined and, at least, was excessive. There was a Constitutional guaranty to "life, liberty and property," none of which could be taken "without due process of law." It would not be competent for Congress to transfer its right to proceed by law, to ascertain "just compensation" for

property, to the discretion of officers of the army. It was one thing to bring into the public service the resources of war, existing in the country, and another thing to see that the people who must prosecute war should not be reduced to a despotism. In his opinion, the public good did not require the impressment of slaves and live stock, engaged in raising provisions for the army and the families of soldiers in the field. On the contrary, the public good demanded that property of that description should be safe from impressment, not only while actually at labor at the plow, but also at all other seasons. The bill and the amendment, of the Senators from Louisiana and Texas, were objectionable in detail, even granting that the amendment of the latter removed some of the more obnoxious features of the bill. The bill, as it came from the Judiciary Committee, allowed the impressment of private property under any "case of absolute necessity." What should be the test of "absolute necessity?" The energy and fidelity of a quartermaster or commissary might overcome conditions and the indolence and neglect of a quartermaster or commissary might impose conditions, contemplated by the bill. The bill of the Judiciary Committee simply reduced the measure of security of the property of every citizen to the standard of fidelity, and honesty and economy maintained in the quartermaster's and subsistence departments of the army. Not only did its provisions allow every bonded officer, in those departments, to go out and supply garrisons, camps of instruction, or armies in the field, with whatever the people possessed, but the bonded officer was authorized to appoint any individual he himself might select to make such impressments. A proper precaution against abuse, in such cases, might be easily inserted, requiring the commander of the military Department to order the impressments. The amendment, of the Senator from Texas, provided that the right of impressment of private property might be exercised by bonded officers in the emergency "of immediate and impending danger," or when "important military operations" demanded. This was a great improvement on the bill of the Committee, empowering resort to that harsh measure in "case of absolute necessity," leaving the fact of "necessity" to the officer's discretion. He would cheerfully vote for Mr. Wigfall's amendment, should it be

amended in two particulars. The bill of the Judiciary Committee further provided for the appointment, by the President, of three Commissioners, for each State, whose duty it shall be to determine what price the government shall pay for property impressed, and the Commission shall sit at a place to be named by the Secretary of War. This provision would never be acquiesced in by the speaker. Under it, every piece of property in the State could be, arbitrarily, assigned a value by the Executive branch of the government, from whose decree no appeal could be taken. It was said the President would take care that careful and honest appraisers should be appointed. Perhaps so, but a greater than he, General Jackson, had made orders for the deposits of the revenues themselves, not provided by law. There was a principle involved, and he would never consent to give power to the President to fix the value of the private property of the people of Alabama. While the Senate deliberated, corn was ninety cents at Huntsville, another price at Montgomery and four dollars at Mobile. Would the value of the corn seized by the government, be determined by the Commission at the time and place of seizure? Or would a standard of value be found, based on the elements of prices in various parts of the State, under the various circumstances prevailing? The amendment, of the Senator from Texas, provided further that, "three disinterested citizens" of the locality should appraise private property before assessment. He would ask the Senator to accept a substitute for his amendment, providing that an auditor of the government be appointed to appraise the property impressed for the use of the army, "in immediate and impending danger" or when necessary to prosecute successfully "important military operations." If the appraisal of the auditor should be unsatisfactory to the owner, then the owner should be allowed to institute suit "in some proper tribunal of the Confederate States."

Correspondence, by letter, between the Confederate States Commissioners in Europe and Lord John Russell continued in the winter of 1862-3. Mr. Mason assured Her Majesty's Chief Secretary for Foreign Affairs that he was "instructed emphatically to disclaim any policy in the Confederate States government to prohibit or discourage the export of cotton. It has



been the policy of the enemy to propagate such belief and, perhaps, to some extent it may have obtained credence in Europe. On the contrary, I am instructed to assure Her Majesty's Government that if Europe is without American cotton it is because Europe has not thought fit to send her ships to America for cotton." Mr. Mason also informed Lord John that the blockading squadron, off Galveston, had been dispersed and driven away by the Confederate attack, on January 1, 1863, the enemy's flag ship captured and another of his ships destroyed; that on the morning, of the last day of the same month, two of the enemy's ships blockading Charleston had been destroyed by the Confederate attack, a third disabled and the others driven off. In reply to Lord John's remark that, the manner in which the blockade had been enforced gave neutrals no excuse to allege that it was not efficient, these facts were interesting. The blockade had been entirely lifted, by hostile demonstrations of the Confederate forces, from two ports far separated. Moreover, it was a notorious fact that, in all the latter months of 1862 and the month of January, 1863, the departure of vessels, most of them steamers, from various ports of the Confederate States had resulted in a large and prosperous commerce. The collector of the port of Charleston had officially reported that the revenue accruing to the Confederate States government, from duties on imports collected at the Custom House there, for 1862, was more than double the revenues ever collected at the same place in one year on account of the United States government. That this remarkable fact proved the existence of a greatly increased foreign commerce, through that port, would be admitted, when it was explained that the rate of duty was far less under the new than the old government. A single steamer had evaded the blockade more than thirty times, usually, but not always, from Charleston. In the month of January, at least two steamers from Europe had safely arrived at Wilmington. The facts cited proved that while the United States blockaders were on the coast, at the ports selected by themselves, they either could not hold their positions, by reason of hostile attacks of the Confederate States forces, or that, holding them, they were inefficient to

establish an effective blockade under the terms of the declaration of Paris prescribing the law of blockades.

Mr. Yancey's speeches in the Senate, up to this time, had been on practical subjects, relating to the army, and rarely exceeding ten to twenty minutes in delivery. Thus he spoke very often, always with a complete mastery of the subject in all details. Those who had known him longest and best were unprepared to discover the method, ceaseless industry, wide information and practical ideas which controlled his Senatorial course.

"Mr. Yancey is no professional alarmist (said the *Richmond Whig* of September 11, 1862,) — at least such is not the part he is now acting. He is no prophet of inevitable woe. He is simply one of the guardians of public liberty."

The *Examiner*, of the same date, said :

"Mr. Yancey's protest in the Senate yesterday against further usurpation of power by the Confederate Government was neither needless or premature. \* \* It will not do for the Confederacy to lose sight of the principles of free government, for which it is contending. It is time there should be a pause in this career of usurpation. It has resulted from different causes. The temper of the States and of the people has been, to make every honorable sacrifice for the prosecution of the war with vigor. They have not only been willing to make every sacrifice for this purpose, but they have been exceedingly unwilling to complain of unreasonable exactions or unwarrantable usurpations. This is precisely the time which has been seized by the adversaries of the Constitution to break through its restrictions and to trample down, under the plea of public necessity, its most sacred principles."

"We wish every man, woman and child in the Confederacy to read Mr. Yancey's speech (said the *Montgomery Advertiser*). It cannot be accounted untimely or claimed as an impracticable issue when a statesman turns to combat such assumptions of authority on the part of the government."

It was Yancey's hope to sustain the spirits of the people, the better to keep the army up to full numbers and invincible determination. "I deny ( he said ) *in toto* that the war power in this government is superior to the civil power. All history teaches that in time of war the civil sinks in the back ground before the fiercer bearing and more energetic action of the war power. Such, in fact, is the state of things in the Confederacy to-day. Even in the very citadel of the civil power some of its chosen guardians seem to yield to the usurpations of

leaders of armies and to palliate, if not justify, them. I am not one of those. I here assert the war power is of the civil power; a means belonging to it, to be used by it to maintain, and defend and preserve the fundamental elements of civil government; that, to raise armies, to conduct war, to determine the duration of war, are all within the scope and control of the legislative power—the only supreme power in this government.” Such questions were necessarily extremely delicate, under consideration. Yancey demanded that every man, physically able to bear arms, should be legally placed in the service of the Confederacy. He declared from his place that, the power to raise armies was a power to exhaust the resources of the country, and even “to hire foreign mercenaries,” in the prosecution of war. The civil government, in force, was not of the character he would have preferred for the emergency, but it was the civil government, and was superior to all other government, and necessary to be respected, as it was found, as the sole dependence for success in the cause.

In the first month of the year, 1863, the Senate was lead to consider a purely Constitutional question involving the powers of a co-ordinate branch of the government—the organization of the federal judiciary. Mr. Yancey delivered several elaborate orations, each several hours long, on the bill. The series display, better than any previous speeches of his, perhaps, the analytical power of his mind and his ability to arrest and hold the attention of his audience, on an abstruse subject, for an indefinite time. They are the most finished addresses that remain of his published oratory. The last of the series, in order of delivery, will doubtless be accounted the most satisfactory, and it is believed to be the last speech of his life. The Judiciary Committee of the Provisional Congress, of which Benjamin H. Hill was chairman, reported a bill to organize the Judiciary Department of the Confederate States; providing that appeals might be taken from the Supreme Court of a State to the Federal Court of last resort. Mr. Hill denied, on the floor of the Senate, that he had signed his Committee report, nor did he submit a minority report. He confessed he knew the bill would be reported, consented that it should be reported, and did not there, or thereafter, consider it unconstitutional in its recommendations. Mr. Clay, from

Alabama, offered to amend the bill to organize the Judiciary of the Confederate States by repealing the Section of the law, enacted by the Provisional Congress, conferring appellate jurisdiction on the Confederate Supreme Court, over State Supreme Courts. Hill, and Phelan, an able lawyer, from Mississippi, were the leading opponents of Clay's measure of repeal and the leading defenders of the course of the Judiciary Committee, presided over by Hill.

Three reports, from this Committee, had been brought before the Senate, recently, all obnoxious to the standard of statesmanship set up by the State Rights school. The consideration of the first two had brought Yancey and Hill into collision, well calculated to embitter the debate on the last of the series, now up. The first report of the series recommened a law to regulate, or suppress, the press and freespeech, under specified circumstances. Mr. Hill denied that he had brought in that report or had signed it; but he admitted he knew it would come forward, as from his Committee, that he had in Committee consented to its appearance before the Senate, and that he had not offered a minority report. Indeed, he said he accepted the constitutionality of the report. While this report was being debated, Mr. Wigfall arose and, without introductory remarks, in mock solemnity, read the Sedition Act of John Adams' Administration, and instantly resumed his seat. The sentiments, and even the language, of the report were found to be similar, and to so impressive a degree, like the Sedition Act hateful to the history of free government, that the bill was immediately dropped and not again referred to. The second report, of the series, was the endorsement of the nomination of Judge Campbell for Assistant Secretary of War.

While the States Rights men contended against these reports of the Senate Committee, the regular Democratic Convention, of Kentucky, met at Frankfort. The House of Representatives denied the Convention the customary privilege of using its hall. The theater was rented; forty counties assembled and David Meriwether was elected Chairman. As the roll was about to be called a regiment of United States troops, under command of Colonel Gilbert, with fixed bayonets, formed at the door. Colonel Gilbert entered, went upon

the stage and informed the members, in a few words, that no candidates for civil office would be permitted to appear whose loyalty to the United States government was doubted. He also advised the Convention to disperse and the members to return quietly to their homes, as a peace proceeding.

Mr. Yancey began, on January 30, to speak against the organization of a Confederate Supreme Court, with appellate jurisdiction over the State Supreme Courts. His exordium was :

“MR. PRESIDENT: If the sections of the Judiciary Act of March, 1861, proposed to be repealed, are unconstitutional, it is our duty to repeal them. If power to have passed those sections is even doubtful, in my opinion, they should be repealed; for, under our form of government, I believe it to wise and expedient that doubtful powers which shall come in conflict with States and State tribunals, involving questions of their respective sovereignty and independence, should not be exercised at all. Believing, as I do, that the powers conferred by the sections are unconstitutional, I shall vote for their repeal, and I proceed to give some of the reasons which will actuate me in so doing.

“The Constitution, Mr. President, provides, not only the rule, but the only mode of its interpretation. If we undertake to go out into the wide field of precedent and seek for the opinions of others, no matter how distinguished they may have been, or however exalted the official positions they may have held, and upon precedents and opinions of others base the constitutionality of this or that measure, we shall enter the land of mist, and shadow and doubt. But, if we hold to the clear, narrow track indicated by the Constitution, in which all should travel who wish to give an interpretation to that instrument which shall keep the States from clashing with the Confederate government, there will be peace within our borders and the preservation of this government, upon pure Constitutional principles.”

Elaborating the argument, that precedents were invalid to the law maker striving to construe the Constitution, he said the Senator from Mississippi, Mr. Phelan, had said the First Congress, of the United States, had enacted just such a law as was now proposed to be repealed, and this early legislation,

by many who had framed the Constitution approved by Washington, was a valid precedent to establish the constitutionality of the act of the Provisional Congress of March, 1861. The Senator, Mr. Phelan, had argued also that deputies of the Confederate Provisional Congress, who had enacted the act of 1861, had framed the present Constitution. It was then asked: "Did not the men of 1787 and of 1861 know their work?" The answer to this question was in the laws enacted and their practical effects upon the liberty of the country intended to be secured by the Constitution. He did not believe the men of 1787 or of 1861 understood or sufficiently took heed of the Constitution in their acts. Would Senators allege that the Alien and Sedition laws, enacted before the Constitution had been in operation ten years, and repealed before it had been in operation twelve years, were evidence that the fathers understood the Constitution better than the living generation? The party most distinguished in American history for virtue, intellect and high social influence, with Washington at its head, had enacted those laws and had been cast down in consequence. The United States Bank Act was an example of early construction of the Constitution by Congress, not now accepted as correct; so was the Missouri compromise; John Tyler, of Virginia, alone had voted in the Senate against the bill advised by Jackson to reduce South Carolina by force. No Senator now would approve any one of those measures. "Mr. President (said the orator), we may safely assert that we are wiser than the men of those days. The statesmen of the early days speculated merely upon the practical results of this or that doctrine. We have the bitter fruits by which to judge of the tree they planted. We have the flood light of experience of seventy years of mal-administration of the federal government, upon the principle that powers not expressly delegated, but implied, may be exercised; upon the principle that the federal government may be strengthened against the State government; upon the principle that whatever promotes the welfare of the majority must be Constitutional.

"One other view of the plea of precedents for construing our Constitution: It is nothing but a plea of the law of custom. If ours was not a written Constitution, if it were

but a bundle of customs, like the English Constitution, even then this principle before the Senate, having been frequently brought into question, would be lacking in the main element of valid custom -- invariable usage. But when our ancestors discarded the British Constitution and adopted a written compact, they repudiated the idea, as anti-American, that the rights of States or of the people of States should be determined either by custom, usage or any other mode than by that compact. It was written, for the purpose that no custom, no usage, no acquiescence, no legislation, no opinions of men might change it or its meaning. It was written, in order that its language alone should interpret its meaning and that every citizen should have the means before him of judging it for himself.

“\* \* \* I think it unfortunate that a permanent Constitution and government was instituted before the close of the war. In the very remarkable circumstances that surrounded us, entailing the necessity, almost, of exercising extraordinary powers upon unlooked for emergencies, the country needed a Provisional war government, restricted only by the nature and extent of its necessities. Such a government existed during the greater period of the revolution -- a Congress, with a leader of armies and no President. The Constitution we have adopted has been found, in practice, to be an unrelaxing restraint upon the exercise of the whole power of the country.”

The orator proceeded to show that, under the Constitution, a direct tax could not be levied before a census had been taken, and so large districts, in almost every State, were occupied by the enemy that the census was impracticable. A long enumeration of Constitutional inhibitions of the exercise of powers necessary to the prosecution of the war, was given. Among others, a majority of Congress could not appropriate money, not asked for by the head of a Department, “and thus the views of the danger and emergency of the country, entertained by that body, are cut down to and squared by the will of the Executive.”

The technical question raised by the bill was, in what provision of the Confederate States Constitution could the power be found, vested in Congress, to organize a federal Supreme Court, with appellate jurisdiction over State Supreme



Courts? Mr. Yancey, denying the existence of the power, and Messrs. Hill and Phelan, affirming its existence, debated the bill. Article 3 of the Constitution contained the power, Mr. Yancey said, if it could be traced at all. This Article declared :

“The judicial power of the Confederate States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time establish.”

Here were two classes of courts, authorized, both, to be organized by Congress, with no mention made of State courts. The axiom of the law excluded all not mentioned. The jurisdiction of the courts of the Confederate States was defined and prescribed by the Constitution. The Supreme Court was given original jurisdiction in certain cases and appellate jurisdiction, “both as to law and fact with such exceptions and such regulations as the Congress shall make.” Appellate from what? An appeal could only come from an inferior tribunal. What inferior tribunal? The Constitution expressly provided for its creation. Under the axiom of the law, *expressio unius, exclusi alterius*, the State courts could not enter the question. Would Senators who opposed his view inform the Senate upon what principle of construction they proposed to limit appeals, to the Confederate States Supreme Court, to that class of State courts called supreme? Why should an appeal not lie from a Circuit Court of the State or from a Probate Court? Why allow the privilege to one class and not allow it to all?

The Senator, ( Mr. Phelan ) from Mississippi, had argued that the clause of the Constitution, providing that the authority of the federal Supreme Court should “extend to all cases” arising under the Constitution, etc., justified the authority of Congress to vest jurisdiction in that Court over the State courts. The orator would not assent to the allegation that the words “extend” and “all,” in the clause cited, possessed the meaning of unlimited jurisdiction. The Constitution used the phrase “all crimes,” for example, but no Senator would say that the federal Supreme Court had any power over persons charged with crime before State courts. The docket of the Confederate States courts only contained “all crimes”

which could be brought before those courts. The Constitution provided that "every law and resolution" should be subject to specified conditions of legislative procedure. State Legislatures considered laws and resolutions and if the Senator's was a correct interpretation of the word "all," why should not "all" laws and resolutions of a State Legislature fall under control of Congress? "All" is collective: "every" is distributive, say the philologists:

"By all the nymphs that nightly dance  
Upon thy streams, with wily glance."

"My definition of the word (said Yancey) is one found to be consistent with the whole Article of the Constitution establishing the Judiciary branch of the government; one which can be uniformly applied wherever the word occurs. Under the rules of logic and construction, that is something in its favor."

Mr. Yancey devoted the latter half of this oration, not less than three hours long, to invective addressed to Senator Hill. Judge Arthur F. Hopkins, of Alabama, having been admitted, by courtesy, to the floor of the Senate, whispered to his companion, Senator Foote, repeatedly, as the speech progressed: "There can be no doubt that Yancey is the greatest of living orators." This speech was pronounced March 14, 1863.

"The Senator has said (continued the orator) that I am dissatisfied with everything and everybody. 'With everybody!' I have no social relations with the Senator and never had. We never meet, save in this chamber, and he can have no personal knowledge of my relations with others. Few indeed have so much cause for satisfaction as myself, not with 'everybody,' but with the great mass of the patriotic people of the country who have espoused the great principles I have so persistently asserted, in opposition to the Senator and his following, in time past." As to the charge of dissatisfaction with "everything," the Senator from Georgia alluded, probably, to his well-known views on the policy of erecting a full civil government, at an inopportune moment. "But (continued Mr. Yancey) the Senator says I have thrust a lance into the thigh of the dead Hotspur! Of that I was unaware. I was

unaware that the gallant Hotspur was a subject of the Senator's admiration\*. His courage was lively, enduring and feared no encounter. He was sensitive of his honor and could brook no insult. He loved to cross a lance, with a foe worthy of his steel. He delivered his blows in front and would have deemed it most unknighly, most cowardly to have assaulted his enemy in personal combat by a foul blow when none was expected. He was brave and magnanimous; courteous and just. He was the soul not only of honor but of truth—the pink of English chivalry. Who is the Hotspur of this Senate, that I have assaulted? I could not, surely, suppose him to be the Senator from Georgia, even should I give him credit for sufficient modesty not to compare himself to the distinguished hero of English story. Did he mean that I had sent a thrust at a dead party? \* \* But, I turn the tables on the Senator. Is he well satisfied? Far from it. He complains that Senators, on this side of the question of this debate, should rely upon their old opinions, opinions maintained for many years. He says they should reconsider. Indeed! Sir, those Senators whom the Senator from Georgia so admonishes, for long years predicted these 'new circumstances.' Had their opinions been heeded the Union would have been preserved upon the assured basis of the Constitution, Equality, Justice, Fraternity. Has the Senator found it so necessary to change or modify his views that he thinks others must do so too? Is it a matter of chagrin and mortification to the Senator that he has no 'old opinions' upon great Constitutional questions to which he can refer with pride and pleasure? Human nature is the same, Mr. President, as it was in the day of the wag Æsop, who portrayed the mind of the Senator, when he wrote of the fox who having lost his caudal appendage moved a resolution in a convention of foxes that, in order to be in the fashion, all should be docked. \* \* Although I have heard the Senator assume to be a State Rights man—since the fashion leads that way—he has, in my opinion, worn his assumption awkwardly enough.


“Probably, under the circumstances, the Senate was not surprised to learn the Senator was specially dissatisfied with

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\* Hill had made a violent and sudden personal assault on Yancey a few days before the scene described, “surprising him from the rear.”

me. Neither my opinions or the free utterance of them ; not the course of my life, or the measure of my intellect has been satisfactory to the Senator. He is not particularly fastidious. I presume his discontent arises from the fact that we are very unlike. Commencing with my intellect, he describes it as a 'rent shot bag, with the shot pouring out loosely, and running aimlessly around.' Of the truth of the Senator's analysis, or of his own belief in it, I have nothing to say, except that it stands as a fair test of the Senator's mental resources.

"But, Mr. President, in returning the compliment, drawing with a free hand the Senator's mental portrait, it shall not be left to speculation whether I exercised candor in the act, or covered up a want of knowledge of the subject with unmeaning generalities. Gilfillan says there are six classes of intellect: One of them Legion, respectable people who often find their way into town councils, religious associations, sometimes into legislative bodies, lifted occasionally by some strong hand into cabinets. These bear with them the stamp of mediocrity so deeply set that their highest flights and most labored efforts cannot eradicate it. To this class belongs the mind of the Senator. But the Senator does appear above mediocrity in some particulars. Without originality, never creating or controlling events, he is acute in rapid changes to suit the changing aspect of affairs ; shielding himself from the charge of inconsistency by a perpetual indefiniteness of expression. Never distinguished for the application of general principles of statesmanship to measures as they come up, he has been marked for the laxity of his Constitutional views, for his facility of arguing in specious generalities, for or against any question, regardless of all system of Constitutional philosophy. As I have said, with no original powers at all, the Senator possesses the art of a wonderful imitation, which enables him to absorb and appropriate the ideas thrown out by others. Like the mocking bird, with no original note but a squeak, he sends forth very clearly the finer notes of others ; and, like the songster, giving them no appropriate connection nor having a clear understanding of what he so boldly and skillfully appropriates. In this debate he has performed through the whole political gamut — running on the same key from Hamilton down to Phelan.



“The Senator was specially dissatisfied with what he chose to call my autobiography. I do not know that one could have been surprised that there was nothing in it to afford him pleasure. It consists of one unvarying history of words spoken and acts done, since the year 1848, under most disheartening circumstances, in behalf of my native South—warning my countrymen of the fatal tendencies of Northern legislation and arousing them from the lethargy into which their party divisions were lulling them. In all this, I had never the aid of a single act of co-operation or of a warning word, from the Senator. On the contrary, in the midst of a most trying period of our career, when, repudiating party ties, party ambition and party rewards, I rang out over the land words of prophetic warning—when I was writing the ‘scarlet letter’ and resolutions to unite all parties, in defense of the South for the sake of the South and of the Constitution, that Senator was groping his way amid the secret dens of party by means of signs, grips and passwords, resting himself and the South upon that false and delusive platform—‘The Union, the supreme object of patriotic desire.’ While I was denounced by Northern writers and Northern orators as a Cataline, the infamous calumny was re-echoed in lodges in the South where the Senator was in high repute. It is true, sir, my political life is a continuous censure upon that of the Senator. I can at all times refer to it with pride and pleasure, and it is because, at times, I may have weakly indulged in the pleasant retrospect that the Senator’s spleen has been vented. I will do the Senator the justice to say that, if I have been in bad taste in this, I have never heard from him nor do I expect to hear like exhibitions of ‘bad taste’ in respect to his own political history. Whether he has been deterred by a question of taste or by the character of the facts to be disclosed, is a matter no need to be decided here.

“Were every line of my past political life written in living light, there is not an act that I cannot gaze upon with pride. There is no record that I need shrink from seeing placed in comparison with it.”

Extracts from this memorable phillipic, the closing example of Yancey’s oratory which these pages find to reproduce, would not be sufficient evidence of the peculiar style of the

orator unless they should go farther and show the perfect naturalness and imperturbable self-poise which marked his most serious and elaborate discourses. There was not an apparent lapse from dignity, but rather an enjoyable variation of method when Yancey, in almost all his speeches, introduced jocular illustrations of his points. The markedly conversational tone of his speech assisted the hearer's mind to accept, without protest, and even with complete satisfaction, these idiosyncratic episodes. Hill had charged that Yancey had been the victim of Wigfall's joke, the reading of the old Sedition law. Yancey now showed that it was in continuation of the argument of his speech against the bill before the Senate, at the time, that Wigfall had read the old law, and that the joke fitted Hill and not him. Taking this *contre-temps* as his theme, the masterful speech of the day was closed by relating, in an amusing way, the feats of the Senator from Georgia in political legerdemain. The orator recounted a visit he had made to a side show on some public occasion, an agricultural fair, perhaps, in Georgia, where he saw the thimble-rigger, in charge of the table, prove to an honest countryman that he could not tell, for a dime, under which of the two silver cups a fantastically dressed little image could be found, after seeing it placed by the operator. The countryman's dime was put up, he selected the cup, the cup was turned up, but there was no image found. It was under the other cup, however. Hill was always to be found fantastically attired in other men's ideas, but the trouble with plain people was to find the cup he was under. For instance, when the conscript law was proposed, in the April before, Yancey had voted for it, alleging, in secret session, where the bill was considered, that he gave a reluctant support to it in face of a perilous military situation; the enemy being almost at the gates of the capital. Hill had spoken earnestly against the measure and voted against it when put on its passage. The law had divided Georgia public opinion and Mr. Hill was called, in December, to speak to the Legislature of that State on his position. All waited to see under which cup Hill would be found. It was cup number two, where plain observers had least thought of seeing him. He stood there in all the fantastic drapery of the "little joker," as if unconscious

that there had ever been any doubt about his position. Before the Georgia Legislature he had eloquently recited the arguments, he had heard in the Senate, in support of the bill, where he opposed its passage, and now claimed them as his own!

In the early part of the debate just narrated, to organize the Supreme Court, the Senate passed a vote of censure on Yancey, under the following circumstances: It was on February 4, 1863, that the Senator from Georgia, Mr. Hill, had the floor. In his peroration, he spoke bitterly and disparagingly of Mr. Yancey, in open session, for, perhaps, fifteen minutes. Hill was not called to order. As he resumed his seat, Yancey rose, saying he had been taken completely by surprise by the malignity of the Senator's remarks. He had no conception that any such feelings were entertained towards him. While what had been said was not amenable to the charge of a personal insult, it could not be expected by the Senate that he would allow it to pass unnoticed: When the debate on the bill before the Senate had been completed, other Senators who desired to speak having spoken, he would ask to be heard in reply to the Senator from Georgia. That would not be to-day, but at some convenient time in the future. But he desired, in justice to himself, to have a single remark go out along with the report of the proceedings of that day, including Mr. Hill's speech: What had been announced by the Senator as comments on his (Yancey's) "autobiography" were "mis-statements, known by the Senator to be false when he spoke them." Neither was Yancey now called to order. Hill rose, as Yancey ceased, disclaimed any personal animosity, or any animosity at all, but would say that remarks alleging mis-statements by him in his speech were false. Hill was not yet called to order. The Senate soon resolved itself into secret session to consider a finance bill and other legislative business. This work consumed, perhaps, fifteen minutes. A pause in the proceedings followed, there being no further business of an executive character. A personal attack of Senator Hill upon Senator Yancey now took place.\* It was several weeks after the personal difficulty between the Senators that Yancey delivered the speech of March 14, just quoted. There was no

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\* Appendix A.



other personal difficulty than that referred to. Mr. Hill was known to be opposed to a resort to the field of honor for the settlement of such troubles, while Yancey considered himself absolved from the duty of calling him to it, for obvious reasons.

The bill to organize the Judiciary branch of the Confederate government failed to pass the House of Representatives, and the failure was attributed to the unwillingness of that body to have John A. Campbell made Chief Justice, for it was well understood that the President would, if allowed, send his name for that high office to the Senate for confirmation.

Mr. Yancey in the Senate maintained an extensive correspondence with his constituents and citizens of other States. From Bluff Springs, Florida, a committee of citizens sent a request for his advice concerning the choice of candidates to be voted for at the approaching elections. He replied that he did not consider the utmost energy in support of the war inconsistent with public liberty; that little attention paid to resolutions and an earnest purpose to select reliable and capable civil officers would embrace his advice to voters. A common soldier, having failed to arrest the attention of the Secretary of the Navy, wrote to the Senator, describing his invention of a fire ship—a low boat, carrying a revolving turret, from which funnels would throw spirits of turpentine over a blockader and immediately throw a fire ball upon deck, the result looked for being a rapid destruction of the invader. Rev. Dr. William H. Mitchell, having been arrested in his pulpit at Florence, Alabama, by a United States officer for offering a prayer for the civil authorities of the Confederacy, was carried to a Northern prison and treated with utmost hardship. He solicited the Senator's offices of intervention. James R. Powell sent, through his attorney, Samuel F. Rice, to the Senator a proposition for submission to the government. He would establish a wagon line from the interior of Texas to Matamoras, delivering at that point a large quantity of cotton, a moiety of which would be there consigned to the government agent, in return for the privileges of the commerce. The offer was declined, because the government intended, at a future time, to establish the same character of trade on its own account. P. S. Gerald offered, through the Senator, a high

price to the government for the privilege of shipping cotton through the port of Mobile.

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Having now completed an imperfect and inadequate account of Senator Yancey's labors in the civil affairs of the Confederate government, it will not be amiss, in the same connection, to examine, however briefly, public opinion as it was found under the institutions which prevailed, respectively, in the Confederate States and the United States, tried by the exigencies of absorbing war.

The government of the Confederate States endeavored to limit itself to the charter of its rights. The legislators most determined to preserve the Constitution and the substance of liberty were the original Secessionists, and foremost in their ranks was Yancey, the leader of secession. The *habeas corpus* was not suspended, until the cause was virtually lost and the war was almost concluded; and only then by the Constitutional proceeding.

On the other hand, civil government was practically suspended in the United States, so soon as the energies of the government were concentrated in the pursuit of war. All protection to life and liberty were subordinated to the task of "saving the Nation." The polls, in the border slave States, were openly controlled by the soldiery in a season free from hostile invasion. At the initial of the conflict, President Lincoln assumed the power, constitutionally vested in Congress alone, of suspending the *habeas corpus*. He also proposed that Congress should, without any amendment of the Constitution, enter the States to determine the rights of property of their citizens and to establish social institutions of its own devising, by a measure enacted for the purchase of slaves, at an arbitrary price fixed by itself, and for transporting the freedmen beyond the bounds of the United States. Although the authority of the courts had never been interrupted by an invasive war, citizens were constantly tried and sentenced by military courts in the most populous regions. Citizens of the highest standing and most eminent services, if of the party opposed to the Republican party, were arrested on military

orders and, without trial of any kind, were consigned to military prisons. Forts in Boston harbor and Baltimore harbor, the old capitol at Washington and other places were crowded with political prisoners from almost every State — “men who had represented their government at foreign courts, had addressed the United States Senate, been Governors of States, Representatives in Congress, State legislators, farmers, doctors and indeed almost all departments of business, not one charged with crime.” \* By order of the President, the Secretary of War created a corps of Provost Marshals, with authority to arrest citizens at discretion for acts done, words spoken, or alleged to have been spoken, or for opinions expressed or suspected to be entertained. Democrats only were found to fall under this order. † Officers making arrests of this class were protected from common and statute law by an act of Congress providing that, “any action begun in a State court against an officer, civil or military, for any arrest or imprisonment made, or other trespass or wrong done or committed, or any act omitted to be done at any time during the present rebellion, by virtue of or under color of any authority derived from or exercised by or under the President of the United States or any act of Congress,” might be transferred to the federal courts from State tribunals. This act is in special contrast with Yancey’s argument against Hill’s report, to allow appeals from State Supreme Courts to the federal Supreme Court. Under it the President and all the constabulary, or military officers or soldiers were practically absolved from responsibility in arrests and convictions for crime, or acts of offense. An adroitly worded banking act practically united the purse and the sword. Senator Charles Sumner introduced a bill to forfeit the Constitutions and governments of such States as Congress might see proper. In Ohio the Democratic candidate for Governor, Clement C. Vallandigham, was arrested in the privacy of his chamber in his own house, by the side of his wife, at midnight, by order of General Burnside. The offense alleged in the case was, a criticism, of the ordinary character of public speeches, on the public acts of the President, then an avowed candidate for re-election. The

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\* American Bastille, p. 516.

† Harris’ Political Conflict.

distinguished prisoner was carried far from home to be consigned to a cell in Fort Warren. Alarmed at the outburst of public indignation, the President ordered him to be taken to the frontiers, there to be delivered to the Confederate picket posts. Mr. Vallandigham traveled extensively in the Confederate States, declaring, upon his return to the United States, that he had not seen a man, woman or child in his travels who was opposed to the prosecution of the war. The Confederate States, as early as the winter of 1862-3 began to communicate with the "copperheads," or the disaffected of the West. Among the early emissaries to them was Major W. P. Gorman, an Irishman, a commissioned officer of the Confederate army. He found enrolled and organized 30,000 men in Illinois, 16,000 in Indiana, 4,000 in Ohio, 5,000 in Pennsylvania, an army of spies reporting to the government at Richmond. Besides these in the free States, there were 12,000 in Missouri. Gorman went to Cincinnati and commissioned a Quartermaster-General for this Northern Confederate contingent, of 67,000 men, having already delivered a commission as Lieutenant-General to a United States Senator, at Washington, to command it.\*

Even while the civil administration of the Confederate States proved most disappointing, the people held fast to their ideal of liberty. There was never a moment of time when a respectable vote among non-combatants, much less in the army, could have been obtained for a cessation of the war, save on honorable terms. Recognition of their independence, recognition of the justice of their cause, or the utter exhaustion of their resources of warfare was the universal demand of the Southern people, from the first to the last battle of the fearful conflict they had entered upon.

Having discussed, somewhat, the comparative resources possessed by the two Republics at the initial of their war and the general disposition of their respective populations toward liberty, it will not be amiss to consider the personal characteristics of the Executive head of each government. Mr. Lincoln lead the sectional demand for social revolution; Mr. Davis lead the sectional resistance to social revolution. It was a

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\*These facts were published by W. L. Hawley, a journalist, of Birmingham, Ala., by authority of Major Gorman, who now lives at that city.

profound remark of Yancey's, in debate with Hill that, in the formative period of American political organism, the party most distinguished for virtue, intellectual attainment and social position, with Washington at its head, was thrown out of power, and that to the less refined social element fell the task of preserving the Constitution. "How miserably weak (he said), with all these facts before us, must be all argument based on precedent to interpret the Constitution."

Mr. Davis' military education was a passport to social rights; his service in the field, his marriage with the daughter of an army officer of high rank and distinction, rich in slaves, his retirement to the planter class, his aptitude in politics and rare gift of oratory presented a *tout ensemble* of the Southern social hero. But there had come about a fiery emphasis and depth of social collision. There was needed for it, not so much of erudition as ability; a vital type of statesman, who, by native discernment, could bring upon the on-rushing course of events a faculty of "seeing the essential point and leaving all the rest behind as surplusage; seizing the very type of a thing, presenting that and nothing more."

When the Republican party met in convention at Chicago, in the spring of 1860, to nominate a candidate for the Presidency, it has been shown that only half the States of the Union were represented. Those States represented had been declared by the conservative States, in national Democratic convention at Charleston, to be in a condition of practical rebellion. The Chicago Convention was, in fact, the head of the revolution, and there were two factions represented by delegates upon the floor. One of the two factions was composed of the richer and more cultivated social element of the commercial and manufacturing Northern Atlantic States, which preferred the scholarly and experienced statesman, William H. Seward, for the nomination. The other was composed of the North-Western States, a commercial and agricultural element, dominated by recently naturalized voters, who preferred the original, rugged yet artful leader, Abraham Lincoln. Lincoln became the typical leader of the revolution at its source. It is not proposed here to present an analysis of Mr. Lincoln's character in the office of Chief Executive. It is sufficient to say that history will preserve his name as the

impersonation of the energies placed at his disposal. He was a great leader of conditions made ready for him. So soon as his election transpired he chose his rivals, for this office, Seward and Chase, because they were the greatest men of his party, to the two highest places in his Cabinet. Months before his induction into office, he entered upon a most skillful preparation for the part he was to act. When Greeley, hitherto the exponent and central figure of his party, demanded of the President-elect a conciliatory policy, toward the Southern movement, Lincoln, with a deeper party sagacity, declared he would give his life rather than make such a concession. But, when he was urged to a secret midnight journey to the national capital, to be in waiting for inauguration to office, although ashamed of the fears of his advisers and believing, not a word, of the idle threats of bodily peril, *en route*, which they insisted he should take steps to circumvent, he fell cheerily into their plans, with no word of protest. Carrying in his pocket a carefully prepared inaugural address, which he well knew the civilized world awaited with anxiety, his first act was to commit the manuscript to the candidate he had defeated, Mr. Seward, for laborious review and amendment, and the paper was read as Seward amended it. But, a few weeks later, when the Secretary of State offered, virtually, to lay down a chart of conduct for the Administration, his effrontery was rebuked with tact not less consummate than phenomenal. Never alarmed, he was never without a settled plan of action; never cast down, he was diligent to keep his hope before the country he ruled, free from the shade of doubt. He never lead his party, but he adroitly followed the most advanced steps of his party, in the ripeness of time. If the people under him demanded absolutism in their government, beyond which the wit of man could devise nothing more absolute, their President never quailed in the execution of their will. But, when the Senate sent Charles Sumner at the head of its committee of seven to the President's mansion to demand the removal of Seward, on the charge of excessive conservatism of conduct, Lincoln laughed with the Secretary over the scene and refused his proffered resignation. Quite conscious that Secretary Chase, whose ability had overcome the supreme peril of the enterprise of Southern subjugation,

was diligent in writing letters, pleading with politicians, arguing with army officers with the selfish purpose of securing for himself the Presidency, so soon as the party action had disappointed the Secretary, he was promoted by the President nominated for the coveted place, to be Chief Justice. In the autumn he revoked General Fremont's emancipation proclamation in the West, with a severe reprimand; the following winter he revoked General Hunter's emancipation proclamation in South Carolina, with asperity; before the year closed he pledged himself to the country to usurp the power of a general emancipation proclamation.

There were three decisive concessions, made by President Lincoln to his party, involving war; the nature of war; and the result of war.

(1) He permitted party pressure to determine upon the reinforcement of Fort Sumter, expecting the resistance which followed and opened war: (2) He obeyed the demand of his party for the removal of General McClellan, premeditating thus to change the character of the invasion: (3) He surrendered his wise, original and humane theory of the political result of the overthrow of the Confederate States, to the dictation of his party.

General McClellan, immediately after his abandonment of the siege of Richmond, following the "seven days" battle, wrote a letter to the President:

"HEADQUARTERS ARMY OF THE POTOMAC,  
"CAMP NEAR HARRISON'S LANDING, VA., July 1, 1862."

"MR. PRESIDENT: \* \* I cannot but regard our condition as critical and I earnestly desire, in view of possible contingencies, to lay before your Excellency, for your private consideration, my general views concerning the existing state of the rebellion, although they do not strictly relate to the situation of this army, or strictly come within the scope of my official duties. These views amount to convictions and are deeply impressed on my mind and heart. Our cause must never be abandoned; it is the cause of free institutions and self-government. The Constitution and the Union must be preserved, whatever may be the cost in time, treasure and blood. \* \*

"The time has come when the government must determine upon a civil and military policy covering the whole ground of our national policy. \* \* This rebellion has assumed the character of a war; as such it should be regarded and it should be conducted on the highest principles known to Christian civilization. It should not be a war looking to



the subjugation of the people of any State, in any event. It should not be a war upon populations, but against armed forces and political organizations. Neither confiscation of property, political executions of persons, territorial organization of State or forcible abolition of slavery should be contemplated for a moment.

"In carrying out any system of policy which you may form you will require a Commander-in-Chief of the army; one who possesses your confidence, understands your views and who is competent to execute your orders, by directing the military forces of the nation to the accomplishment of the objects by you proposed. I do not ask that place for myself. I am willing to serve you in such position as you may assign me, and I will do so as faithfully as subordinate ever served superior.

"I may be on the brink of eternity; and as I hope forgiveness from my Maker, I have written this letter with sincerity towards you and love for my country.

"Very respectfully, your obedient servant,

"GEORGE B. McCLELLAN,

"Major-General Commanding.

"*His Excellency A. Lincoln, President.*"

This letter was instantly seized by the advisers of the President as a political assault upon the Republican party. It was well known throughout army circles that the suggestions of General McClellan would operate to the disadvantage of his professional standing with the Administration. Knowledge of this result of his advice carried a deep influence into the army, in all ranks.

The removal of McClellan was immediately determined upon. His successes in the field had far out-stripped any other commander of the armies of the United States. He had defeated R. E. Lee in West Virginia; he had compelled J. E. Johnston to evacuate Northern Virginia, had driven him up the Peninsula to the gates of Richmond; he had conducted a masterly retreat in face of Lee, after seven days' fighting, and was quite as ready as was the Confederate commander to continue the battle at the close. In fourteen days after the rout of Pope's army at Manassas he re-organized it and was successful in leading it at South Mountain. "With a halter around his neck"\* he followed Lee into Maryland and fought the drawn battle of Sharpsburg—called by him "Antietam." Apart, too, from an eminent personal success, relatively, as

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\* McClellan's Own Story.

compared with other commanders on his side, he was the commander of the armies of the United States when Albert Sidney Johnston was driven out of Kentucky and Tennessee. McClellan alone of the high commanders of the armies of the United States inspired that personal devotion and confidence in rank and file which so distinguished the feeling of the Confederate armies toward the Johnstons, Lee, Beauregard and Jackson.

When President Lincoln determined to abandon the attempt to capture Richmond, by way of the Peninsula, he ordered General John Pope to prepare to renew the march toward that capital, by way of Manassas, leaving McClellan practically deprived of command, while his army was sent to reinforce Pope. Within a few days after taking command, General Pope published the general order, which was calculated to expose the families in his army lines to great privation and to give a political character to the invasion, which remained the rule of war enforced by all of the commanding officers who, from that time forward, received the countenance of the civil head of the United States army :

“ HEADQUARTERS ARMY OF VIRGINIA,    )  
“ July 23, 1862.    )

“ *General Orders No. 11.*—

“ Commanders of army corps, divisions, brigades and detached commands will proceed immediately to arrest all disloyal male citizens within their lines, or within their reach in rear of their respective commands. Such as are willing to take the oath of allegiance to the United States, and will furnish sufficient security for its observance, shall be permitted to remain at their homes and pursue in good faith their accustomed avocations. Those who refuse shall be conducted South, beyond the extreme pickets of this army, and be notified that if found again anywhere within our lines, or at any point in rear, they will be considered spies and subjected to the extreme rigor of military law. If any person having taken the oath of allegiance, as above specified, be found to have violated it, he shall be shot and his property sold and applied to the public use. \* \* \*

“ JOHN POPE,  
“ Major-General Commanding.”

In completest contrast with the character of invasion laid down in General McClellan's letter to President Lincoln, stands the letter of General W. T. Sherman, conveying an order to a subordinate officer. General Sherman's promotion to the command of the second great army of the United States followed

the date of his letter, and the sentiments of his letter, received the most distinguished approbation of the political party waging war on the part of the United States:

“ HEADQ’RS DEPARTMENT OF TENNESSEE, }  
VICKSBURG, January 1, 1864. }

“ *Major R. M. Sawyer, A. A. G. Army of Tennessee, Huntsville:*

“ DEAR SAWYER—In my former letter I have answered all your questions save one, and that relates to the treatment of inhabitants known, or suspected to be, hostile or ‘secesh.’ This is in truth, the most difficult business of our army, as it advances and occupies the Southern country. It is almost impossible to lay down rules, and I invariably leave this subject to local commanders, but am willing to give them the benefit of my acquired knowledge and experience. In Europe, whence we derive our principles of war, as developed by their histories, wars are between kings and rulers, through hired armies, and not between peoples. These remain, as it were, neutral, and sell their produce to whatever army is in possession.

“ Napoleon, when at war with Prussia, Austria and Russia, bought forage and provisions of the inhabitants, and consequently had an interest to protect farms and factories, which ministered to his wants. In like manner, the allied armies in France could buy of the French whatever they needed, the produce of the soil or manufactures of the country. Therefore, the rule was and is, that wars are confined to the armies, and should not visit the homes of families or private interests.

“ But, in other examples, a different rule obtained the sanction of historical authority. I will only instance that, when, in the reign of William and Mary, the English army occupied Ireland, then in a state of revolt, the inhabitants were actually driven into foreign lands, and were actually dispossessed of their property and a new population introduced. To this day, a large part of the north of Ireland is held by the descendants of the Scotch emigrants sent there by William’s order and an act of Parliament.

“ The war which prevails in our land is essentially a war of races. The Southern people entered into a clear compact of government, but still maintained a species of separate interests, history and prejudices. These latter became stronger and stronger, till they have led to a war, which has developed the fruits of the bitterest kind.

“ We of the North are, beyond all question, right in our lawful cause, but we are not bound to ignore the fact that the people of the South have prejudices which form part of their nature, and which they cannot throw off without an effort of reason or the slower process of natural change. Now, the question arises, should we treat as absolute enemies all in the South who differ with us in opinions or prejudices—kill or banish them? Or should we give them time to think and gradually change their conduct, so as to conform to the new order of things which is slowly and gradually creeping into their country?

“When men take arms to resist our rightful authority, we are compelled to use force, because all reason and argument ceases when arms are resorted to. When the provisions, forage, horses, mules, wagons, etc., are used by our enemy, it is clearly our duty and right to take them, because, otherwise, they might be used against us.

“In like manner, all houses left vacant by an inimical people are clearly our right, or such as are needed as store-houses, hospitals and quarters. But a question arises as to dwellings used by women, children and non-combatants. So long as non-combatants remain in their homes, and keep to their accustomed business, their opinions and prejudices can in no wise influence the war, and, therefore, should not be noticed. But if any one comes out in the public streets and creates disorder, he or she should be punished, restrained or banished, either to the rear or front, as the officer in command adjudges. If the people, or any of them, keep up a correspondence with parties in hostility, they are spies, and can be punished with death or minor punishment.

“These are well established principles of war, and the people of the South, having appealed to war, are barred from appealing to our constitution, which they have practically and publicly defied. They have appealed to war, and must abide its rules and laws. The United States, as a belligerent party claiming right in the soil as the ultimate sovereign, have a right to change the population, and it may be, and is, both politic and best that we should do so in certain districts. When the inhabitants persist too long in hostility, it may be both politic and right that we should banish them and appropriate their lands to a more loyal and useful population. No man will deny that the United States would be benefitted by dispossessing a single prejudiced, hard-headed and disloyal planter and substitute in his place a dozen or more patient, industrious, good families, even if they be of foreign birth. I think it does good to present this view of the case to many Southern gentlemen, who grow rich and wealthy, not by virtue alone of their industry and skill, but by reason of the protection and impetus to prosperity given by our hitherto moderate and magnanimous government. It is all idle nonsense for these Southern planters to say that they made the South, that they own it, and that they can do as they please—even to break up our government, and to shut up the natural avenues of trade, intercourse and commerce.

“We know, and they know, if they are intelligent beings, that, as compared with the whole world, they are but as five millions are to one thousand millions—that they did not create the land—that their only title to its use and enjoyment is the deed of the United States, and, if they appeal to war, they hold their all by a very insecure tenure.

“For my part, I believe that this war is the result of false political doctrine, for which we are all as a people responsible, viz.: that any and every people has a right to self-government; and I would give to all a chance to reflect and, when in error, to recant. I know slave owners, finding themselves in possession of a species of property in opposition to the growing sentiment of the civilized world, conceived

their property in danger, and foolishly appealed to war; and, by skillful political handling, involved with themselves the whole South in the doctrine of error and prejudice. I believe that some of the rich and slave-holding are prejudiced to an extent that nothing but death and ruin will extinguish; but hope that as the poorer and industrial classes of the South realize their relative weakness, and their dependence upon the fruits of the earth and good will of their fellow-men, they will not only discover the error of their ways, and repent of their hasty action, but bless those who persistently maintained a constitutional government, strong enough to sustain itself, protect its citizens, and promise peaceful homes to millions yet unborn.

“In this belief, while I assert for our government the highest military prerogatives, I am willing to bear in patience that political nonsense of slave rights, State Rights, freedom of conscience, freedom of press, and such other trash as have deluded the Southern people into war, anarchy, bloodshed and the foulest of crimes that have disgraced any time or any people.

“I would advise the commanding officers at Huntsville and such other towns as are occupied by our troops, to assemble the inhabitants and explain to them these plain, self-evident propositions, and tell them that it is for them now to say whether they and their children shall inherit their share. The government of the United States has in North Alabama any and all rights which they choose to enforce in war—to take their lives, their homes, their lands, their everything, because they cannot deny that war does exist there, and war is simply power unrestrained by constitution or compact. If they want eternal warfare, well and good; we will accept the issue and dispossess them, and put our friends in possession. I know thousands and millions of good people who, at simple notice, would come to North Alabama and accept the elegant houses and plantations there. If the people of Huntsville think different, let them persist in war three years longer, and they will not be consulted. Three years ago, by a little reflection and patience, they could have had a hundred years of peace and prosperity, but they preferred war. Very well. Last year they could have saved their slaves, but now it is too late—all the powers of earth cannot restore to them their slaves any more than their dead grandfathers. Next year their lands will be taken, for in war we can take them, and rightfully too; and another year they may beg in vain for their lives. A people who will persevere in war beyond a certain limit ought to know the consequence. Many, many people, with less pertinacity than the South, have been wiped out of national existence.

“My own belief is, that even now the non-slave-holding classes of the South are alienating from their associates in war. Already I hear crinations. Those who have property left should take warning in time.

“Since I came down here I have seen many Southern planters who now hire their negroes, and acknowledge they knew not the earthquake they were to make by appealing to secession. They thought the

politicians had prepared the way and they could depart in peace. They now see that we are bound together as one nation by indissoluble ties, and that any interest or any people who set themselves up in antagonism to the nation must perish.

"While I would not remit one jot or tittle of our national rights in peace or war, I do not make allowances for past political errors and false prejudices. Our national Congress and Supreme Court are the proper arenas in which to discuss conflicting opinions, and not the battle field.

"You may not hear from me again, and if you think it will do any good, call some of the people together and explain these, my views. You may even read to them this letter, and let them use it, so as to prepare them for my coming.

"To those who submit to the rightful law and authority, all gentleness and forbearance; but to the petulant and persistent secessionists, why, death is mercy, and the quicker he or she is disposed of the better. Satan and the rebellious saints of heaven were allowed a continuance of existence in hell merely to swell their just punishment. To such as would rebel against a government so mild and just as ours was in peace, a punishment equal would not be unjust.

"We are progressing well in this quarter. Though I have not changed my opinion that we soon may assume the existence of our national government, yet years will pass before ruffianism, murder and robbery will cease to afflict this region of our country.

"Truly your friend, W. T. SHERMAN, Maj. Gen. Commanding."

The assumption of power on the part of a portion of the States to destroy the social institutions of the others, and to change the structure of the federal government, arbitrarily, to correspond with the usurpation, must stand confronted with certain provisions of written compacts between the States, relating to their reserved rights of self-defense, in force from the earliest periods of their federal relations. The concluding paragraph of the Declaration of Independence, first in order of the federal compacts, declares :

"That these united colonies are and of a right ought to be free and Independent *States*; that *they* are absolved from all allegiance to the British crown, and that all connection between *them* and the state of Great Britain is, and ought to be totally dissolved."

The rights and privileges of the free and Independent States are immediately enumerated as follows :

"They have full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts which INDEPENDENT STATES may of right do."

Did the powers here enumerated attach to the government, only, of "these united colonies," or to the separate colonies, become States? When the mother country recognized the success of the Declaration, the treaty of peace was not entered into by her with a confederation of States, but with the separate States, by name, and so each State "concluded peace," Virginia, Massachusetts, etc. Under the Articles of Confederation and Perpetual Union, the second federal organism, each State contributed, under its own laws, its own army and quota of taxes to the federal government; each State "established commerce," under its own regulations, with other States and all the world. The war power, declared to be possessed by the States in the Declaration, was modified twice — first by the Articles of Confederation and Perpetual Union and next by the Constitution for the United States. Article VI. of the former compact ordained that: "No vessels of war shall be kept up *in time of peace* by any State \* \* ; nor shall any body of forces be kept up by any State *in time of peace* \* \* ; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage." The warlike powers here secured to the separate States were modified by Article I., Section 7, of the Constitution, which provides: "No State shall, without the consent of Congress, keep troops or ships of war *in time of peace*," etc.

By the test of hazard of endeavor, respectively, on the part of the two warring American Confederacies, there was no argument against the Southern movement, for the whole time, from 1861, to the last months of 1864. The United States was in direst extremity of peril in the whole of that time, both internal and external. Soon after the battle of Sharpsburg, in September, 1862, in which General McClellan had commanded the forces engaged, on the part of the United States, beyond the bounds of the territory assigned to him and without the sanction of the Secretary of War, "with a halter around his neck," \* the result of which was the retreat of General Lee back to Virginia, McClellan was ordered to

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\* McClellan's Own Story.



repair to Trenton, to the rear of army lines. The order was intended to banish him from the service. In course of time he resigned. Late in the summer of 1864, long after the nomination of Mr. Lincoln for re-election to the Presidency, he consented, after much solicitation, to become the rival candidate for the same office, to be nominated by a convention of the Democratic party of the United States. This Democratic Convention met at Chicago and, on August 29, nominated General McClellan for President and George S. Pendleton, of Ohio, for vice-President. The second resolution of the platform adopted declared :

*“ Resolved, That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under a pretense of a military necessity of a war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate Convention of all the States, or other peaceable means, to the end that, at the earliest practicable moment, peace may be restored on the basis the federal union of all the States ”*

Mr. Lincoln was greatly alarmed by the awakening of the opponents of the policies of his party and their organization under so strong a leader as McClellan. The Republican party was itself divided in two contending factions. Fremont had been ceaselessly engaged with projects for his own political promotion, amidst the uninterrupted failure of his military career. He accepted the nomination for the Presidency awarded to him by a Convention of the dissatisfied element of his party convened at Cleveland, and this event annoyed Mr. Lincoln exceedingly. The battle of Gettysburg had been fought the year before, but even yet the President realized that the only hope of his re-election lay in successes, not yet attained, of the United States armies. In the spring and summer of 1864, General Grant had pushed Lee from the Wilderness toward Richmond, but Grant had narrowly escaped destruction on more than one occasion and the battles he had encountered had cost his army more men than were carried on the roll of Lee's effectives. When Sherman set out to

follow Johnston from Dalton he stood as eleven to four, as compared to the Confederates, but when he reached the vicinity of Atlanta, before Johnston's removal by President Davis, he stood as eleven to eight, without any power of controlling his army movements except to continue to follow Johnston, assured of an ever augmenting difficulty of retracing his steps, of keeping up communication with his receding base and of preserving his army from a disastrous general engagement. "One hundred days of war costs us \$400,000,000; why not pay this sum to the South for its slaves and let this strife cease?" exclaimed Mr. Lincoln. Europe was yet uncertain in its relations to the United States, however inconvenient to the Confederate States may have been its course. Ten days before the capture of Atlanta, an event which General Sherman did not anticipate with any measure of assurance while Johnston confronted him, Mr. Lincoln wrote the following memorandum, sealed it, had it endorsed by several members of his Cabinet, with instructions that the seal should remain unbroken until after the pending Presidential contest closed:

"EXECUTIVE MANSION, }  
"WASHINGTON, August 23, 1864. }

"This morning, as for some days past, it seems exceedingly probable that this Administration will not be re-elected. Then it will be my duty to co-operate with the President-elect so as to save the Union, between the election and the inauguration, as he will have secured his election on such grounds that he cannot possibly save it afterwards."

"A. LINCOLN." \*

The election was controlled by the military authority amidst ceaseless persecution of the Democrats. The vote, as counted from the polls, both in the army lines and without, returned 1,808,725 for McClellan and 2,216,067 for Lincoln—none for Fremont. A considerable part of the vote for Lincoln was cast in the border slave States, but McClellan received small support in those States, because of the sympathy of the Democrats there with the Confederate States.

The third and last concession of Mr. Lincoln to his party, which has been intimated as one of three most memorable political events in the course of the revolution, had not the

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\* A. K. McClure's Sketches of Lincoln, Philadelphia *Weekly Times*, November 21, 1891.

apology of a war measure. Immediately on the evacuation of the Confederate capital, April, 1865, the President of the United States hastened thither. At the head of a committee, of citizens of Richmond, Judge John A. Campbell went to meet him on the James river. No army of the Confederacy had surrendered, but none of the leaders, east of the Mississippi, on the Confederate side, save President Davis and Secretary Benjamin, had the least expectation of protracting the struggle. Mr. Lincoln arrived at Richmond, animated by a sincere desire for an immediate restoration of the Union, as it had been. Exhilarated by the evidence of the final triumph of the cause he had lead, he was prompt, nevertheless, in promising that liberty should be restored to the conquered. He received the committee cordially. In reply to their request that Governor Pierpont, of West Virginia, should be summoned to assume control of civil affairs, over all Virginia, the President replied: "No, the State of West Virginia is a temporary creation, made necessary in the progress of war. I intend to have summoned the Legislature of Virginia, now in office, and if that body shall see fit to obey the Constitution of the United States, accepting in good faith the Emancipation Proclamation, no other government will be required in Virginia. The government that took Virginia out of the Union is the government to bring her back. I shall direct General Weitzel to issue you passes through his lines, and, I presume, you will need none through General Lee's, that you may go and summon all the members you can and they shall have safe conduct to and from the capital. They must come here, to the very place they went out from, to get back; and your people will all return and we shall have old Virginia back again." The President added, jocularly, that he "would pardon Jeff Davis himself, if he were to ask for it." A more just appreciation of responsibility and a more wise conclusion never controlled a statesman and leader. "I have my pass now," wrote Judge Thomas many years later, referring to the President's course in summoning the Legislature. On April 12 and 13 an Address was published in the Richmond morning papers, signed by many members of the Legislature, and also prominent citizens of the State, calling upon all members to meet, April 25, and this call was countersigned by General

Weitzel, United States Army. Later in the day, April 13, the people of Richmond were astounded by a military order rescinding the President's plan, in summoning the Legislature, and commanding those members who had arrived to leave the city within twelve hours, on penalty of arrest and confinement. This sudden and inexplicable reversion of a Southern policy, on the part of Mr. Lincoln, was due to the machinations of Edwin M. Stanton, Secretary of War. The Secretary testified on oath, before a committee of Congress, that immediately on the return of the President from Richmond, he himself sought the Chief Executive and protested, with great earnestness, against the course he had promised the people of Virginia to pursue, in the matter of their restoration to the Union. He urged that the States, now subjugated, should remain solely under the control of Congress. The Attorney-General was called in to consider the legal aspects of the situation. The President seemed exceedingly anxious and disheartened. An hour or two after the Secretary had left him at the Executive Mansion, he walked into the Secretary's office, about the middle of the afternoon, and renewed the discussion of the vexed subject. Mr. Stanton again argued, that the Legislatures then in office, in the Southern States, were composed of "rebels" and should be dispersed, and that the State authorities should be subordinated to the federal army and that "rebels" should not be allowed to participate in the government of the States by any plan of political reorganization. The President, thus importuned and defied, took a seat at the Secretary's desk and writing a telegram, revoking the proclamation of General Weitzel, passed it to Secretary Stanton, with the exclamation: "There! I think that will suit you!" Unhesitatingly, Stanton replied: "No, it does not go far enough." The President re-wrote, under the Secretary's dictation, and this was the order published on the streets of Richmond, late in the afternoon, April 13, which practically abolished civil government in ten States and established the course of revolution, to which the Republican party had aspired at the outset of its ascendancy. It must remain a profound speculation of history, in view of Mr. Lincoln's recognition of the radical element of his party, what measure of resistance his prolonged career in the Presidency would have

brought against the advantage that element gained in the recantation of his Southern policy. Before another sun had risen, the assassin had closed the President's life.\* Danton, at the head of the French Department of Justice, publicly thanked the mob that they had afforded him the delight of wading through the blood of massacred thousands, flowing on the streets of Paris. Edwin M. Stanton, by devices of inhumanity more malicious than slaughter, committed the Southern people to seven years endurance of a refinement of despotism, possible of attainment only by the mind already stored with knowledge of the administration of high authority and directed by a vindictive nature. The anarchy he sought to make prevail was his chosen agent to destroy that tranquility which was most earnestly desired by the people of ten prostrate Commonwealths. To turn backward, as he did, the promises of peace; to compel enduring waste, where every aspiration of the afflicted millions turned to labor and recuperation, was to afflict them with a living death.

Every prophecy of Mr. Calhoun's Address, of 1849, not already fulfilled, was now speedily realized in the marvellous fullness of absolutism of government.

When the armies of the Confederate States surrendered, the terms recognized the separate State governments; the soldiers on parole took obligations to obey the laws of their respective States, to deliver captured property to their respective State authorities, etc. This recognition of the States, "lately in rebellion," as they were termed by the victorious Republic, occurred in the spring of 1865. Each State of this class immediately prepared to resume its federal relations, with the United States, by acts of its Legislature and by amending its Constitution to abolish slavery. In Alabama, every prisoner awaiting trial for crime was discharged without trial, because of the inapplicability of the slave laws and Constitution, under which arrests and committals had been made, to the changes in laws and the Constitution touching emancipation. Before the Thirty-ninth Congress met, in December, 1865, the Thirteenth Amendment of the federal Constitution, abolishing slavery, which had been proposed

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\* *Richmond Whig*, April 8, 1865: J. A. Campbell's Pamphlet: Paper by Robert Stiles in *Magazine of American History*, September, 1887.

during the progress of hostilities, but not ratified because the assent of three-fourths of the States of the alleged Union could not be obtained, had been ratified by the Southern States. When Congress met the votes of the Southern States, necessary to ratify and place the Amendment in operation, were counted, and the legal status of those States was thus, for the second time since the cessation of the armed conflict, recognized. In accordance with the Proclamation of President Andrew Johnson, and with the assurance of Secretary Seward that the empty seats of the absent Senators and Representatives were ready for them, the Southern States elected Senators and Representatives, who appeared to take the oath of office. It was now discovered to what ends the dictation of Secretary Stanton to President Lincoln had lead. A joint committee was appointed to consider the reappearance of the Southern States in Congress. The committee reported, in effect, that the enormous expenditures of blood and treasure to restore the Union did not justify restoration. The Southern members elect to Congress, were refused admission. The Southern States were divided into five military districts; over each a Major-General was appointed, with absolute power over life, liberty and property. Churches were closed, schools abandoned, Governors, sheriffs, mayors of towns, deposed. Judges of all classes of courts were driven from their seats and Legislatures dispersed at the point of the bayonet. Local taxation, which had been ample, was now suddenly multiplied, while alien knaves and unlettered Africans dominated organized society.

Without hesitation and with due promptness, the Southern States consented to the usurped power of President Andrew Johnson, who had issued a proclamation calling their Legislatures together for the purpose of ratifying the Thirteenth Amendment to the federal Constitution, abolishing slavery. If the State be qualified, in its attribute of sovereignty, to pass upon the Amendment, how comes it that the State is reduced to the low plane of obedience to the President's orders, was the question asked. The several States, however, not only ratified the Amendment, but, guarding against any future issue to be raised upon usurpation of power in the process, each State abolished slavery by its own act.

After the Thirteenth Amendment had been accepted at the hands of the Southern States, Congress, having refused to admit the Senators and Representatives of ten of those States, proposed the Fourteenth Amendment as a condition precedent to their restoration to the Union. Tennessee ratified, July 12, 1866. No other Southern State ratified. At the next session of Congress the Reconstruction Committee reported a bill, which was adopted, placing those ten States under military rule, already described, "until loyal and Republican State Governments can be legally established." In order to establish "loyal and Republican State Governments," preliminary to the ratification of the Fourteenth Amendment, a military order issued commanding the election of a State Convention in each of these States. Negroes were not citizens of the United States or of any Southern State. They were not made citizens by the Thirteenth Amendment. They had no right to vote on the Fourteenth Amendment giving them citizenship, or any other proposition. The commanding General of each Military District in the South, nevertheless, issued an order permitting the freedmen to vote for members of the State Convention in each State at the forthcoming election, also ordered by him. The Convention called for Alabama met, in November, 1867, composed largely of illiterate negroes, and sat a few days. A Constitution was adopted endorsing the Fourteenth Amendment, and was submitted to the people for ratification, in February, 1868. The act of Congress required that a majority of the "registered voters" must approve the Constitution at the polls, to give the instrument validity. It was ascertained, on a count of ballots, that a majority of the "registered voters" had not voted for it, the bulk of the opponents of the instrument not having voted at all, on the question of ratification. By resolution, Congress declared the instrument, framed in 1867, to be the Constitution of Alabama and that the Fourteenth Amendment had been ratified by the State. Mr. Seward, Secretary of State, alarmed at the rapid progress of absolutism, omitted to certify, in the usual phraseology, the ratification of the Amendment. He announced it had been "ratified by newly constituted and new established bodies *avowing themselves* to be and *acting as* Legislatures." President Grant, making official proclamation,



in 1870, of ratification of the Amendment, alleged that it had enfranchised a race, whereas the "race" had been enfranchised three years before, by a military order, preceding the pretense of State ratification. In Mississippi, one McArdle, the proprietor of a newspaper, offended the military authority by free discussion in its columns. His arrest being ordered, he applied for the benefit of the writ of *habeas corpus* to the judge of a United States court in that State. The court denied the writ on the ground that, the act of Congress vesting authority in the Major-General of the District was superior to the jurisdiction of the court. The case was appealed to the federal Supreme Court, but before the appeal could be heard Congress came to the relief of the court below by enacting a statute estopping the higher court from hearing cases of that nature. Not a moment's suspension of legal State government had justified the military subordination of the people. The laws were enforced with promptness and regularity, unbroken peace and good will prevailed among the people. But the corrupting influence of absolutism in government developed at this period was not limited to the Southern States. Many millions of dollars were stolen from the government revenues, officers of high responsibility and close to the President were condemned and consigned to the penitentiary, members of Congress of the highest standing were entangled in government contracts, bringing great scandal on the institutions of the country.

The Southern States had so far redeemed themselves, in 1876, from the destructive local power of the Republican party, as to appoint Presidential electors opposed to the candidate of that party. The party, however, being in control of the outgoing Executive, the Congress resolved to continue itself in power. The outgoing President, General Grant, reinforced the garrison at Washington and an act of Congress was passed, approved by him, to substitute a partisan Commission to count and determine the electoral vote, in lieu of the Constitutional College. Rutherford B. Hayes was seated in the Executive office, to which Samuel J. Tilden had been elected chiefly by the Southern vote. Of all States, South Carolina and Louisiana were in deepest humiliation and ruin, arising from negro and robber rule. Louisiana was almost a

despairing Commonwealth, her people in flight, her debt run up from an unimportant sum to the aggregate of \$125,000,000. The people had petitioned the federal government; the venerable Bishop Wilmer, of the Protestant Episcopal Church of Louisiana, visited President Grant to intercede; the people interceded. The desperation of the people was made known to the Republican candidate for President, Rutherford B. Hayes. It was agreed that if the electoral vote of the State should be given to Hayes, the Democrats might seat Nicholls, whom they had elected Governor, at the same time their electors for President had been chosen. In order to carry out the conditions of the arrangement the Democrats were warned to keep the peace. The Democratic managers went to the Lottery Company, at New Orleans, obtained the money and with that purchased a sufficient number of negroes and adventurers from the Republican or "Packard" Legislature to break the quorum of that body and compel its dissolution. In 1890-91 the Republican federal House of Representatives passed a bill intended to reduce the elective franchise in the United States to military control. In the same Congress federal taxes were enormously increased. The single item of pension expenditure made by that Congress was equal to three fold the entire revenues of the government in 1860. Population, from 1860 to 1890, increased, in round numbers, 100 per cent., but federal taxes increased, in round numbers, 800 per cent.

Had the generation of 1861, in the Southern States, been motiveless and nerveless, whence would have come the devotion to liberty which distinguishes the generation, of 1891, in its struggle against absolutism in government? If liberty be safe in the Union restored, it can by no means be established that that part of the people who consummated the Southern movement, of 1861, are not necessary to its security.

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Mr. Yancey returned to his farm house, near Montgomery, in the spring, prostrated by ill health—a disease of the bladder. In the last week of July he felt the end approaching and sought his bed. His physical sufferings became intense. In paroxysms of pain, his reason lost its balance; his voice

rose in loud commands as the battle of serried hosts passed before his vision. Three of his sons, lately arrived from the paroled garrison of Vicksburg, came to his side. As one of them entered the door of the sick chamber, he called to him, saying: "I am dying; all is well; it is God's will." His wife was with him; his daughter was *en route* to him; his fourth son was on army duty; his brother was in the field confronting the enemy. In whispered tones, he called, "Sarah" (his wife), and ceased to breathe.

At the early age of forty-eight years, eleven months and thirteen days, at 4 o'clock on the afternoon of July 27, 1863, the leader of the Southern movement, of 1861, passed away.

The citizens of Montgomery vied with each in offices of personal attention to him in his last days; the best physicians devoted themselves to his bed side; the road to his farm was lined with carriages of visitors and horsemen at all hours of the day and night, seeking knowledge of his condition.

The body was interred in the city cemetery, and the procession which followed it from the Presbyterian church, in the city, was the most imposing, it was believed, ever seen in Alabama.

An Newbern, Alabama, a Regiment of Alabama cavalry, under command of Colonel Joseph Hodgson, was quartered. The commander delivered to the men and the citizens an eloquent oration on the dead leader. The Confederate Congress took appropriate action over the loss of a Senator.

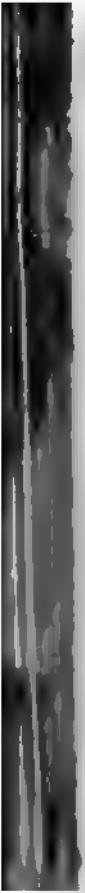
The awful portent of passing events cheapened the public estimate of any single life. Tidings of death, the loss of great men, came daily. The beleaguered people of the South heard in sorrow and in silence of the closing of the grave upon the tongue which had given to their cause its inspiration.

The surviving family left by Mr. Yancey were, the mother of his children; the sons Benjamin Cudworth, William Earle, Dalton Huger and Goodloe Harper, all of whom were minors, save the first named, and all of whom were in the field of war; a daughter, the wife of John L. Harrell also in the Confederate service.

A tomb over his grave, erected by his family, bears the following inscription:

*“Called to public life in the most critical hour of his country’s fortunes, he was a man whose love of truth, devotion to right, simple integrity and reverence for manly honor made him a leader among men. Virtue gave him strength, courage upheld his convictions, heroism inspired him with fearlessness, his sense of responsibility never consulted popularity nor did his high position claim homage save on the ground of worth. Justified in all his deeds, for his country’s sake he loved the South; for the sake of the South, he loved his country.”*

## APPENDIX.



## PROTEST OF W. L. YANCEY, A SENATOR FROM ALABAMA.

In open session of the Senate, on the 4th February inst., 1863, the question before the Senate being an amendment to the bill to organize the Supreme Court of the Confederate States of America, offered by Hon. C. C. Clay, Jr., a Senator from Alabama, which amendment was to repeal the forty-fifth and forty-sixth sections of the Judiciary Act of March, 1861, the Hon. B. H. Hill, a Senator from Georgia, had the floor, and for some time, as near as protestant can judge, about a quarter of an hour, in his peroration, indulged in terms of sarcasm and disparagement of the protestant, in the opinion of protestant, using language reflecting injuriously upon the character and motives of the protestant, a senator from Alabama, no attempt was made either by the President, *pro tempore*, then occupying the chair, or by any Senator to call the Senator from Georgia to order. When the Senator from Georgia took his seat, protestant arose and addressed the chairman and said as follows: "Mr. President, it cannot be expected that I shall permit the very remarkable speech of the Senator from Georgia, in reference to myself, to pass unnoticed. It was characterized by an amount of malignity and long cherished spleen, in a high degree offensive, though not, perhaps, personally insulting, which I had no conception was entertained towards me by the Senator from Georgia. I have already spoken in this debate, and do not arise to reply now to that Senator. When other gentlemen, who desire to speak and who are entitled to be heard first, shall have addressed the Senate, I shall ask the Senate to hear me in reply, and I trust to do justice to myself and also to the Senator from Georgia. Before I sit down, however, I wish to send forth simultaneously with the remarks of that Senator this — that many of the statements made by the Senator as to what he has been pleased to denominate my 'autobiography' are mis-statements which that Senator, at the time he made them, knew to be false."

While making these remarks, I was uninterrupted by any call to order. Upon taking my seat, the Senator from Georgia took the floor, and said, in substance, as near as I can remember, that in what he had said he had not been actuated by any long cherished animosity — or, indeed, any animosity — and the remark that he had wilfully made any mis-statements was false. The Senator then resumed his seat, not having been called to order.

Another Senator then took the floor, and, after some brief discussion as to the right to close the debate, between Senators, and as to the order in which the Senate would consider a finance bill and an exemption bill, the Senate resolved itself into secret legislative session. Some business was then transacted in secret session, when, in perhaps a quarter of an hour, the Senate took up in an informal way the difficulty between protestant and the Senator from Georgia. The manner and matter, as it was thus taken up, was purely personal; there being no motion before the Senate upon the subject, by common consent a conversation as to the matter took place, originated by a Senator from



South Carolina — Hon. R. W. Barnwell — with the expression of a hope that the matter could be, and would be, amicably adjusted. The Senator from South Carolina assumed that protestant had, in a previous speech, given cause of offense to the Senator from Georgia, and asked protestant to disclaim an intention to do so. Protestant felt that he had given no cause of offense — that what was deemed such was legitimate argument used to repel a proposition pertinent to the issue, and that his language and manner had been decorous and not susceptible of being justly considered as personal. Therefore protestant declined to say anything in mitigation of his remarks on the occasion referred to by the Senator from South Carolina. That occasion was in debate on the 30th January. The Senator from South Carolina, with much earnest persuasion, persisted in pressing protestant to make an apology to the Senator from Georgia, and protestant felt compelled in a decisive manner to put a stop to a scene which, under the circumstances, doing all honor to the generous motives of the Senator from South Carolina, he felt was placing him in an embarrassing and false position. Protestant therefore replied that, after having been assailed as he had been by the Senator from Georgia, he had no option as to his course. He should stand upon occurrences as they had transpired. So far from feeling it incumbent upon him to retract any part of his remarks on Friday last, after what had occurred, he only regretted that he had not on that occasion used language of greater severity. As protestant was about to resume his seat, the Senator from Georgia sitting in his chair, in violation of the third Rule of the Senate, addressed protestant in a defiant tone in these words: "You had better, then, do so now." Protestant replied to the Senator from Georgia: "I have said all in that way that is consistent with my character as a gentleman to say," and was in the act of resuming my seat — stooping down, with my hands upon the arms of the chair, my knees bent, and my eyes upon my desk, when I was shocked by a blow of great severity upon my cheek bone, just below the outer corner of my right eye and the temple, which immediately flooded my collar, neck and bosom with blood. As I rose to look at the Senator from Georgia, from whom I felt conscious the unexpected blow had come, I saw him in the act of throwing again, and immediately a heavy tumbler flew close by me, breaking itself into powdered atoms on the lower part of the window sash, close by my seat. Protestant at once made an effort to reach the Senator from Georgia (who stood about twelve feet distant, with several desks between us) proclaiming aloud, "It was a coward's blow." Several Senators promptly intervened, and seized protestant, while the President was demanding that the parties should be seized by the Sergeant-at-Arms. The scene was thus terminated. The weapon thrown at protestant and which inflicted the wound upon the cheek, was a heavy glass inkstand with a metallic top. It was broken into fragments and fell at protestant's feet. After these occurrences, the Senate took Senatorial jurisdiction of the matter — and not before. A committee was appointed, who reported resolutions of censure, which were

adopted without amendment on the 4th inst. Protestant begs leave to have them and the proceedings thereon considered as a part of this his protest against the action of the Senate as far as it affected him. The amendment offered by the Senator from Arkansas, Hon. R. W. Johnson, was lost on a division by a vote of 8 yeas to 9 nays. The next amendment in order, offered by the Senator from Mississippi, was lost by a like vote — neither of the Senators, parties to the difficulty, voting.

The protestant offers the above enumeration of facts as his protest against the resolutions of the Senate above referred to, for the following reasons:

I. The tenth Rule of the Senate inhibits the use of language by any Senator reflecting injuriously upon another Senator, and the sixth and eighth Rules provide for the enforcement of the Rule.

The President and every Senator present acquiesced in the attack made upon protestant by the Senator from Georgia, in his speech in open session of the Senate, thus impliedly leaving to protestant his own redress.

II. The same Rules apply, and the same conduct was observed by the Senate, with reference to the reply made by protestant in open session.

III. The same Rules apply, and the like conduct was observed by the Senate, with reference to the rejoinder of the Senator from Georgia.

IV. The conduct of the Senate was a condonation of any violation of its order and decorum, which took place in open session, under a unanimous acquiescence of every Senator; and, therefore, such supposed breach of its order and decorum could not be made the subject of investigation and censure by the Senate, in secret session, under new rules or resolutions made after the occurrence.

V. By the Rules of the Senate, the President is alone constituted the judge, in the matter of "exceptionable words." In the matter of occurrence in open session, the President did not call protestant to order; nor did any Senator call him to order, nor did the President decide him to be out of order.

VI. The Senate having prescribed rules to govern cases of "exceptionable words spoken," that is the only mode by which such cases can be governed, until the Rule is repealed — and no Rule can be repealed save on one day's notice given. See Rule XLVIII.

VII. The conduct of the protestant, in secret session, even if it would have been a breach of order and decorum of the Senate when the Senate was sitting as a Senate, was not in the Senate, though in the Senate chamber, in presence of Senators. The Senate had no question before it as a body, but by common consent were in an informal recess, indulging in private, unofficial conversation upon matters over which the Senate had not proposed to take jurisdiction, and over which the Senate, protestant respectfully submits, could entertain no jurisdiction, viz: the question of an apology of one gentleman to another. Therefore, protestant could not be made liable to official censure for words spoken in such unofficial conversation.

VIII. But, even if the conduct of the protestant be considered as in secret session of the Senate, yet as all his offense consisted, if offense was committed, in "exceptionable words spoken," the same Rules and principles cited as applicable to his conduct in open session, forbid that the question of a breach of order and decorum shall be decided in any other way than in that pointed out in those Rules, and that any other censure be passed than that provided in those Rules.

IX. The words of respondent, in secret session, in response to the Senator from South Carolina, were not in violation of any Rule of the Senate. They cast no reflection upon the Senator from Georgia. The remarks made in reference to him in protestant's speech on 30th January are not pretended to be of the character described in Rule X. Therefore, a regret expressed that they had not been more severe, was not in violation of Rule X.

X. The words, in secret session, elicited by an uncalled-for remark and a defiance from the Senator from Georgia—"I have said all in that regard which is consistent with my character as a gentleman"—surely cannot, under such circumstances, be considered as "exceptionable words spoken in debate." They were as mild as language could make to enable protestant to state to the Senator from Georgia that protestant was determined not to be drawn into a wordy war of crimination and recrimination, and by no just construction can they be held to be any other than an expression reminding the Senator that there had been enough of personality in words, and I should not follow his defiance and repeat or enlarge upon what had been said.

XI. For these reasons, and in as much as the Senate has, by a minority of its members—nine out of its whole number—placed upon its record its judgment that protestant was a party to "a disgraceful scene in the Senate," and has placed protestant upon a footing of equality of guilt with the Senator from Georgia—

Protestant asks that his protest may be spread upon the records of the Senate. The acquiescence of the Senate in all that was said by protestant, its failure to enforce any rule against him, known to its Rules of Order, together with a consciousness that in all that was said and done in secret session by protestant he maintained in the simplest language and most reserved bearing his character as a gentleman,—is a shield through which an unjust censure, even of the Senate of the Confederate States, cannot pierce. But that his conduct may be known, he deems it due to his own honor that he should make and submit to the Senate this his protest and ask that it be spread upon the records of the Senate.

W. L. YANCEY,

A Senator from the State of Alabama.

The following is the full endorsement on the back of this paper, both the paper and the endorsement in the handwriting of its author, Senator Yancey:

“Protest of W. L. Yancey against report of Com of Senate.  
The vote reconsidered and protest read and withdrawn.”

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C. C. CLAY, JR., TO W. L. YANCEY.

RICHMOND, VA., May 2, 1863.

DEAR YANCEY: Yours on eve of departure and yours since reaching home both came duly to hand. Judge Chilton will have told you of the state of the case as to your postoffice. I had two or more interviews with Reagan before the nomination was sent in, and did not anticipate any difficulty. Indeed I did not know that Burton's name had been presented for the office until it was sent to the Senate. I had it held up until you were telegraphed and had answered, and until I had two interviews with the President, and had vainly endeavored to persuade him to recall the nomination and send in Glackmayer. He said, as objection was made to —— and to G. (one man saying he was a foreigner and should not be preferred to B., a native), and none to B., and as you recommended G. and Fitzpatrick recommended ——, he supposed Burton was the partisan of neither and objectionable to no one, if not acceptable to all. He did not recognize the duty to respect the wishes of the Senators and Representatives, even where the office was in the town of a Senator and a Representative. I told him I would not vote for B. He said: “Very well. If you think it right to reject a good man because you and your colleague preferred another, do so.” I said: “I think the Senate will reject him.” Whereupon he became excited and vehement — said the Senate could not dragoon him into nominating their choice, etc., etc. I left him in a bad humor with you, Chilton and myself. I had the nomination continued till next session. I could have had it rejected, but it might have lead to the nomination of —— or of some one more unacceptable than Burton. It might, too, have caused the office to be vacated, and left you without postal facilities till December next. I doubt whether Burton can be put into the office constitutionally; but determined to take the hazard rather than let the President override your and Chilton's wishes, without let or hindrance.

I have not said a word for Dalton, because I am satisfied that Davis is not disposed to oblige you or me, at this time. I am sorry you have written to ask a favor of him, if you have done so.

He is a strange compound which I cannot analyze, although I thought I knew him well before he was President. He will not ask or receive counsel, and, indeed, seems predisposed to go exactly the way his friends advise him not to go. I have tried harder than I ever did with any other man to be his friend, and to prevent his alienating me or other friends, I have kept my temper and good will towards him longer than I could do with any other than an old and cherished friend.

If he survives this war and does not alter his course, he will find himself in a small minority party.

Some of his nominations were rejected by the Senate, but they were mainly of no importance. He will feel some of them, however. One was that of Dr. Cartwright, of N. O., for Adjutant and Inspector-General of Hospitals, on Pemberton's staff, with the rank of Colonel. There is no such office known to our law, and hence that rejection. He nominated no other person for such an office; but C. is a dear friend and his choice of all doctors; is regarded by him as a prodigy of wisdom and genius. Hence he was willing to lift him above all others, notwithstanding he is as deaf as a horse-block and near seventy years old, and, therefore, physically unfit for such a position.

The Senate did not act on the mission to Russia; which, therefore, *constitutionally*, is defeated, for it was not even continued till next session. But during war the laws are silent, and I suppose Lamar will be kept there, enjoying a sinecure, until rejected, or until the Senate advises his recall and refuses to vote him another year's pay. My bill to enroll aliens was postponed in secret session, from fear of offending foreign nations. Orr, Barnwell, Semmes and others opposed it with great vehemence. I was only aided by Clark. I think we prevailed in the argument, but fear carried the votes against it. The same unmanly passion caused postponement of the bill to repeal the naturalization laws. There was nothing else of general interest in secret session. I will try to send you the bills you desire, if printed.

I stayed here to bring up my correspondence, attend to some business in the Department, and take notice of any friends who might be wounded in the impending battle at Fredericksburg. Although it began on Saturday and closed on Monday, I am not able to learn the fate of my friends. It is uncertain when I will get off, as I will stay, if necessary, to take care of my friends. It has been like most all our battles, a fruitless victory. Hooker still holds on to this side of the river, and is fortifying, so that he cannot be driven out without great loss. Lee will probably fall back to the junction at Hanover and have to fight there ere the end of the month. How little we owe to our Generals, and how much to our soldiers! I expect to go home; to Macon, Ga., and thence to Huntsville. I will write you when I get to a stand. With respectful salutations for Mrs. Y., I am,

Truly your friend,

C. C. CLAY, JR.

I have just learned that my cousin, Thomas Adams, is here, with four wounds, received on Monday.

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#### SENATOR YANCEY TO PRESIDENT DAVIS.

MONTGOMERY, ALA., 6 May, 1863.

SIR: Entirely unaware that you entertained any personal enmity towards me, a short time since I requested you as the President to confer a commission upon my son, Dalton H. Yancey.

Though holding that you are but the trustee for the people in dispensing the offices of the Government, and, therefore, that one, even your enemy, may, consistently with his self-respect, lay before you an application for one of the places at your disposal, I am also aware that places are often conferred as rewards to friends and refused as punishment inflicted upon enemies.

Most assuredly I should never have placed myself in the position of asking a place for my son, if I had entertained the least idea that a conscientious difference of opinion with the President upon some points of his administration had caused him to indulge towards me personal dislike.

I have not heard from you relative to that application, and I therefore seize the earliest moment after receiving information as to your personal feelings, to withdraw the application made to you in behalf of Dalton H. Yancey, a cadet in the University of Alabama.

I am, etc., etc.,

W. L. YANCEY.

*Hon. Jefferson Davis, President of the C. S. A.*

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#### PRESIDENT DAVIS TO SENATOR YANCEY.

RICHMOND, VA., June 20, 1863.

SIR: On the 6th of last month you wrote me that you were informed I "entertained personal enmity" towards you, and that you "seized the earliest moment after receiving the information" as to my "personal feelings" to withdraw the application previously made in favor of your son.

Surprised that you should have been so informed, I replied on the 26th that "not having made any declaration to that effect," I thought I had a right to inquire of you how you acquired that information. I went further and said "I was sure you had no right to feel personal hostility to me and hoped you might not."

I have now received your letter of 11th inst., in which you not only omit entirely any answer to my enquiry, but make the very grave charge that in my official action I have been "influenced by feelings of personal hostility" to yourself, and not satisfied with reporting that this charge is based on information received by you, you add that you "believe" it.

Repelling this charge as utterly untrue, I again claim the right of inquiring on what information it is based. Notwithstanding your avowal that you have now "allowed a natural resentment to gain an ascendancy in your breast," I can but expect that you will deem it due to yourself, if not to me, to answer the inquiries of my former and the present letter.

I would be glad to be able here to pause in my answer, but there are various statements in your letter which, if unanswered, might be supposed to be admitted, and to which I feel compelled to give a decided dissent.

I am not aware of the existence of any such usage in relation to the appointment of post masters as you allege to have prevailed. In my whole official life, both as an executive officer and as a Senator, no such usage was to my knowledge recognized or acted on. I will add that if such a usage had actually existed in Washington, I should not for a moment have doubted as to the propriety of discontinuing it here, nor will I consent to be influenced in the exercise of the appointing power which I hold as a trust for the public good, by personal favor or personal resentment. I must add that the Senate is no part of the *nominating* power, and that according, as I do, the highest respect to the opinions of Senators when they recommend applicants, I decline to yield to any dictation from them on the subject of nominations.

Your statement that the Post Master appointed for Montgomery was "recommended by an insignificant number of persons in Montgomery and hardly identified with the place," is so far from accurate as to satisfy me you have been misinformed in this as in almost every other particular connected with the nomination. I am gratified to perceive, however, that you do not disparage the appointee as being otherwise than an upright, competent and meritorious officer, nor do you state him to be at all unfriendly to yourself, and I would readily have stated to you, as I did to others, my reason for selecting him, if in like manner you had made the enquiry: although I must deny the *right* of any one to demand my motives for the nominations which I think proper to make, and which are subject to no other control than the approval or disapproval of the Senate.

Your statement, in relation to the letter about the appointment of Brigadier-Generals from Alabama, is entirely incorrect. If you will refer to my endorsement on it, you will find that it was not considered as a recommendation for the appointment of officers, but as the assumption of a right to question my motives in making nominations and to dictate the rules which should govern my action. Viewed in this light, I declined to retain it.

I am gratified to learn from you that any opposition you may have manifested to the administration of the government was uninfluenced by personal considerations, and accept your assurances on the subject none the less readily because you express the belief on secret information that my own action as Chief Magistrate is based on opposite grounds. I likewise appreciate to the fullest extent your expressed purpose to preserve independence even at the expense of personal regard, while I regret that you should suppose the preservation of both to be impossible.

I conclude in the hope that you will recognize the obligation to state the authority on which your allegations have been made, instead of replying to my inquiries on the subject by statements justifying yourself for receiving these allegations as true. It is surely not at the preset time that unfriendly relations should be allowed to spring up between those to whom the people have committed their interests in this great struggle. For myself, all of hostile feeling that I possess is



reserved for the enemies of my country, not for those who, like yourself, are devoted to our common cause. You promise a candid judgment and generous support to my administration so far as demanded by the interests of our country, whatever may be our personal relations. I accept your promise with pleasure as worthy of a patriot, and even were these relations of the most cordial character, could desire nothing more than the redemption of this pledge.

Very respectfully, etc., etc.,

JEFF'N DAVIS.

*To W. L. Yancey, C. S. Senator, etc., Montgomery, Ala.*

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PRESIDENT DAVIS TO SENATOR CLAY.

*Hon. C. C. Clay:*

JUNE 20, 1863.

MY DEAR SIR: On the 21st of April last I returned to Mr. Yancey, with an endorsement showing my construction of it, a letter signed by him and yourself.

In a recent letter he refers to it as a recommendation which was entitled to a place on official files. Do you chance to have the letter? And if so, will you allow me to see it?

Your friend,

[Signed]

JEFF'N DAVIS.

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SENATOR YANCEY TO PRESIDENT DAVIS.

MONTGOMERY, ALABAMA, 11 July, 1863.

SIR: Your letter of the 20th ult. in reply to mine of May 6 was received by due course of mail. I have considered its contents, and it seems to me to call for a reply. You state that you have not "made any declarations to the effect" that you were inimical to me, but you do not deny the correctness of the information I had received that you were inimical. In such matters, actions are more significant than words.

Since the interview I had with you, shortly after my return from Europe, in reference to your economic policy in the purchase of arms and munitions of war generally abroad, I have noticed a change of your manner to me, which repelled advances on my part, and I have particularly noticed your selections for nominations for office from among the most inveterate personal foes I had in Alabama.

Whatever doubts I may have entertained as to your feelings towards me, and I did entertain them, unwilling to believe that mere political differences of opinion would disturb our former good relations, were dispelled by your action in nominating Mr. Burton for Post Master at Montgomery. A most unexceptionable gentleman, representing the wishes of a large majority of the people of the town, was recommended

to you for that place both by Mr. Clay and myself, and received the endorsement of Mr. Chilton. Montgomery is the postal town of Mr. Chilton and myself. I have understood that it has been a usage and a courtesy yielded to a Senator, as a part of the appointing power, to nominate as post master in his postal town one agreeable to him. Yet you overrode all these considerations, and appointed one unknown to you personally, I believe, recommended by an insignificant number of persons in Montgomery, and hardly identified with the place. I have understood and believe that you were influenced in the rejection of Mr. Glackmeyer, whom I recommended, by feelings of personal hostility to myself. Though a representative of the people and State, I have never been consulted by you as to a single appointment made by you, in Alabama. About a year ago, Mr. Clay and I joined in a letter calling your attention to the fact that but few Brigadier-Generals had been appointed by you from Alabama, compared with the number appointed from other States, and that several Brigades of Alabama Regiments were commanded by Brigadiers from other States. We presented you with a list of names of Alabama Colonels and recommended them to you for their fitness, in our opinion, for promotion. That letter of recommendation, which, in my opinion, should have been filed, was returned to us with your endorsement, to the effect that by the Constitution it was your province to nominate, and that of the Senate to confirm or reject. The return to us of that paper and the endorsement, I considered then, and do now, an act of grave discourtesy. Under these circumstances, I consider that you are mistaken in the averment made in your letter of the 26th ult. that "I had no right to feel personal hostility to you." On the contrary, I think that the circumstances evince a settled hostility on your part to me, and justify a return of such feelings on my part. But I had not allowed a natural resentment to gain ascendancy in my breast till I learned of your action in the appointment of a post master at this place and the reasons which influenced you. There seems to be an excuse offered in your letter for your inimical course towards me, in the following sentence: "It is true that for some time past an impression has been made upon me that you were in opposition to my administration, and that it was not of that measured kind which results from an occasional difference of opinion, but does not disturb good wishes and desire to give support." Such an impression must have been derived from communications made to you by others, not friendly to me. It could not have been derived from my conduct on public measures. A record of that conduct is upon file in the Capitol. I fearlessly and calmly appeal to it against the insinuation that I have been influenced in the least degree by personal considerations. I have rarely differed with you on questions coming before the Senate when I did not find myself sustained by some of your truest friends in their opinions and votes. When I have been compelled to differ with you it has been done from a high sense of duty to the country.

Upon administrative measures of a legislative character I have generally agreed with you. The chief questions upon which I have differed with you, have been questions of a purely executive character.

Your noble personal friend, Mr. Clay, a gentleman who would not flatter Cæsar for his crown, can assure you that we have conversed together freely on these subjects of differences, and that they were invariably subjects of regret that we were compelled to take different views of them from those held by you. I had hoped that our personally kind relations might be maintained and made to harmonize with my independence as a public man. But, if the two are inconsistent with your views, I shall adhere to my independence, and regret the loss of personal regards. I regret that you did not accede to my request to return to me application for a military appointment for my son, Dalton H. Yancey. I am inclined to consider your course in the matter as conciliatory. My self-respect, however, calls for a return of the application, and I renew the request. I beg you to be assured that, no matter what may be our personal relations, your administration will receive from me a candid judgment and generous support so far as it is demanded by the interests of the country; while the lively recollections of former personal friendship and good deeds will always temper any opposition which I may feel called upon to make to any of your measures or acts.

I am, sir, yrs., &c., &c.,

W. L. YANCEY.

*Hon. Jeff. Davis, &c., &c.*

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C. C. CLAY, JR., TO W. L. YANCEY.

MACON, GA., June 30, 1863.

MY DEAR YANCEY: On 6th inst. I received at this place a telegram from my brother, at Richmond, asking my wife to come to his, who was dangerously ill. We left the next day, and reached there the 10th. Remained till the 24th, when we left my sister convalescent and on her feet, and returned here on 27th inst. During my stay there I received a note, of which I enclose a copy. I replied, in person, that I presumed you had the letter alluded to, but trust it was returned a year sooner than the note suggested, and *to me*, and was by me delivered to you. He then said he wished to show me a late correspondence with you, growing out of a *remarkable* letter you had written him. After having yours and his letters placed before me, I said that the only thing that surprised me was his denial of personal enmity to you; that I had not regarded him as your friend for more than twelve months past, and, in support of my opinion, recalled several expressions of his that one would not use toward another unless he disliked him; that I had refrained from repeating these expressions to you, or to any one else, as my desire was to promote peace and prevent discord among all men, and especially my friends; but, that when you informed me you had asked the appointment of Dalton and requested my recommendation of

him, I felt it due to you to say, in reply, that I would not ask anything for him of the President and regretted you had done so, because I did not think his personal relations to you justified asking any favor at his hands; and that I thought it probable that you referred to me as the person who informed you that he was inimical to you. I added, further, that I kept no copy of my letter to you and did not remember the form of expression I used, but it was, probably, as above stated and such as justified your language. He did not show any surprise or make any reply, but commenced complaining of being misunderstood and maltreated — that he felt that there was a majority of the Senate opposed to him, etc., etc. Mr. Benjamin came in and broke off our conversation and I did not call on him or see him afterwards.

In the course of our talk, I told him that I would authorize you, as I now do, to send him a copy of so much of my letter as warranted the expressions in yours of which he complained, if I had given you the information of his enmity and you wished to comply with his demand for your author.

Now, in reflecting on the letters and my interview, I am surprised at my conduct, as well as the President's. I did not repeat the offensive expressions that *it was untrue that he was personally inimical to you*, as I might and perhaps should have done, because his note (which led to the interview), his conversation since we met in Richmond, the last time, his and his wife's kindness to my brother and his wife during her recent illness, his official position, our past relations and the state of the country, all forbade my having any personal difficulty with him. Besides, I could not credit that he meant the remarks for me, without imputing to him ineffable meanness, duplicity and treachery. Hence my calmness and moderation in simply maintaining that I did not think him your friend, had probably told you so, etc.

I confess, however, surprise, not unmingled with indignation, at his positive and harsh denial of enmity to you — as I am sure all who have heard him speak freely of you, during the last twelve months, must feel. But it is perhaps possible for a man to abuse with offensive and opprobrious epithets and innuendoes those whom he really likes as true friends; and this possibility may excuse his conduct. It is not my way of treating those for whom I profess friendship.

I have thought it due to myself, as well as to you, to tell you of the foregoing facts; and I think it proper to add that I think your entire correspondence puts you on the vantage ground, and evinces a frankness, manliness, patriotism and magnanimity which will do you honor. You did me only justice, as *he knew*, in saying that I would bear you out in your assertion that you had opposed the Administration with reluctance and regret, and had often expressed it to me. He has often been assured by me that he wronged you and misconstrued your opposition in terming it factious; that you were governed by principle in all your public conduct. I think it must have been a consciousness of the wrong he had done you that prompted his showing me the correspondence between you, in the hope that I would say something to justify

him to himself. His official course grows daily more inscrutable, and the more I see of him the less I understand him.

Some of my friends think he will *show his friendship* to me by trying to have me defeated next fall, if I run for the Senate. It would argue more friendship for me than he has expressed to me of you.

Will you do me the favor to send me a copy of so much of my letter as refers to the President's relations to you, as I am curious to see how I wrote. I will stand by what I said at all hazards.

I shall be here a week or ten days and then go hence to Huntsville, unless Bragg falls back from his present position.

I learned nothing new or strange in Richmond. If Lee has any definite course of action laid down I do not know it, and I doubt if he has any. I question whether anything has been resolved upon, or any settled policy adopted, in regard to the prosecution of the war.

I met Vallandigham between Weldon and Petersburg and had a brief conversation with him. He is at heart for peace, even at the expense of disunion and the independence of the Confederacy, but thinks we will protract the war by invading the North, or retaliating their outrages or punishing the leaders of negro Regiments; and that we must suffer the North to hold on to Maryland, Kentucky and Missouri during the truce he proposes. I think his hope and aim is to get — sloughed off and restore the Union without her. He was very sanguine of his nomination and election as Governor of Ohio, and that he would be inaugurated, if need be, by arms. He spoke all the time as if our old party relations still existed and we were working together in the same canvass for office! I was amazed and amused at his seeming obliviousness (real or affected) of the fact that we were citizens of different countries, and not only aliens but enemies. He has grown gray very fast since we parted in Washington, although he seemed in excellent health. He thinks a political revolution in the North is the only way to peace, and that "*we*" Democrats will effect that revolution. I do not see anything to prevent Lee's overrunning Pennsylvania and New York if he tries. He has about one hundred thousand men in his army, such, in my opinion, as the world never before produced, who can and will defeat any force brought to meet them, while Hooker's army scarcely exceeds fifty thousand, and those oft defeated, disappointed and demoralized. \* \* I do not know what influence Vallandigham's advice may have on the President, but I do know that it has been communicated orally to him by Colonel Ould, who met V. at Petersburg and accompanied him to Wilmington. Of course I do not concur in the *bear all and forbear ever* policy V. advises, and indeed our government has been preaching.

I shall be glad to hear from you here at your earliest convenience.

I am truly your friend,

C. C. CLAY, JR.

*Hon. William L. Yancey, Montgomery, Alabama.*

C. C. CLAY, JR., TO W. L. YANCEY.

SUSPENSION, MACON CO., ALA., July 25, 1863.

MY DEAR YANCEY: Yours of 13th inst. was forwarded from Macon, Ga., to this place, where I am sojourning with Mr. Charles Stewart. Although *Suspension* is ominous for a "rebel," I am as comfortable and as cheerful as the times will allow. I am on Chunnunnuggee, at a delightful country home, with all that wealth and hospitality can bring to cheer an exile from home.

I write now mainly to tender you my sympathy and advice, having suffered much and long with inflammation of the bladder, many years ago. Go to some sulphur springs immediately. Mr. Stewart says the Indian Springs, in Georgia, are very soothing and efficacious, as he knows by experience.

In reply to your question, "whether Davis appeared desirous of holding on to my [your] regard or no?"—I answer, yes! I was surprised to find him unwilling to admit that he was unfriendly to you and much more to have you believe him unfriendly, and I can see no motive now, and saw none then, for his letters to you or his conversation with me, but to prevent making you an enemy. I think he begins to find himself in want of *friends* or *adherents*—and I do not know, really, which he wishes. I shall probably be here two or three weeks, and may go to Montgomery, although I am reluctant to go there while the Legislature is sitting, as I do not intend to ask or seek a re-election to the Senate, but will let the Legislature alone to choose whomsoever it deems best in these perilous times.

I am, truly your friend,

C. C. CLAY, JR.

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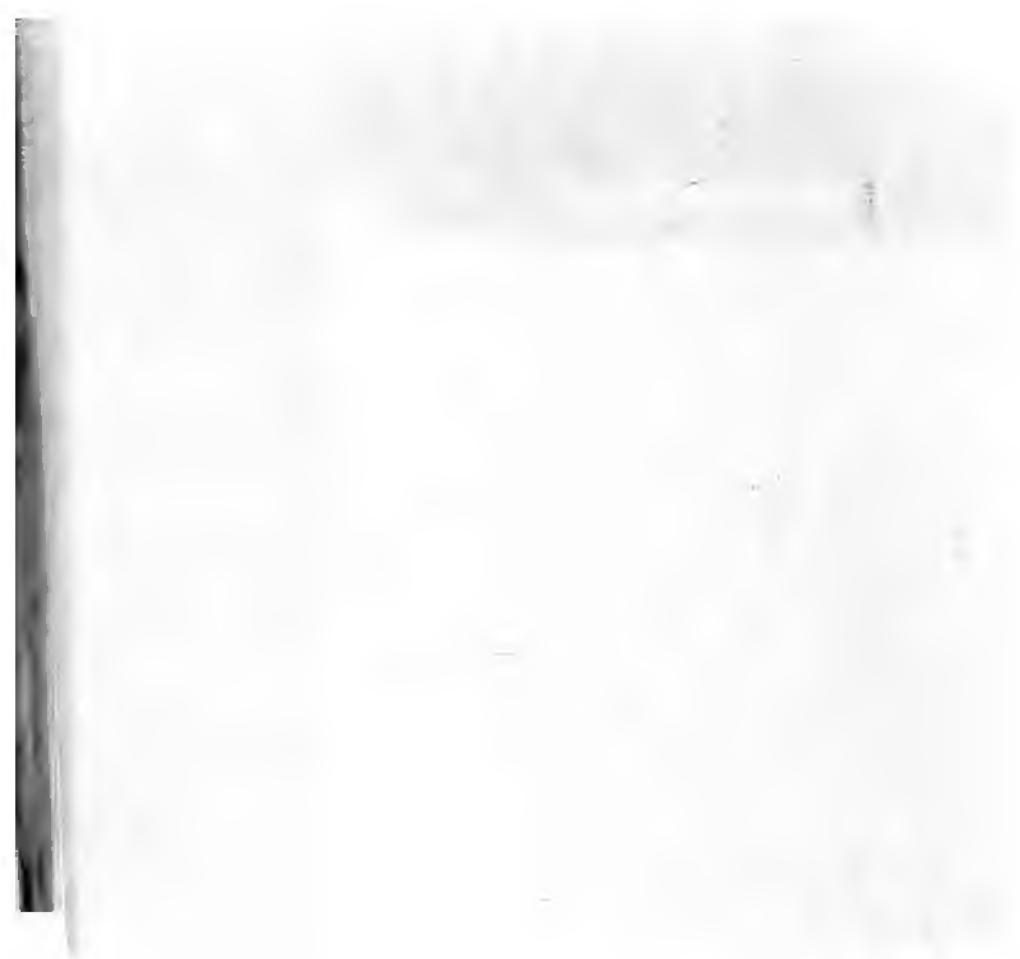
NOTE.—The authorities followed in the text on page 30 erred, inasmuch as Messrs. Ross and Read did not marry sisters, but relatives of Colonel William Bird; and on page 76, inasmuch as Judge W. E. Bird was a cousin and not an uncle of W. L. Yancey.













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